

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, JULY 29, 2013**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:08 p.m. on Monday, July 29, 2013, with Councillor Lewis presiding.

Councillor Miller introduced John W. Woodall, Jr., Pastor, South Calvary Missionary Baptist Church, who led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Adamson, Barth, Brown, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Talley
0 ABSENT:

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor McQuillen recognized Sheriff John Layton. Councillor Lutz recognized Fire Chief Brian Sanford. Councillor Simpson recognized John Lyter of the American Red Cross. Councillor Pfisterer recognized former Fire Chief and current Sheriff's Department employee Louis Dezelan. Councillor Gray recognized Rufus "Bud" Myers, Indianapolis Housing Agency. Councillor Cain recognized Fountain Square residents in attendance. Councillor Mansfield recognized Greenbriar resident Colonel Larry Jessup. Councillor Evans recognized constituent Jim Grimes. Councillor Oliver recognized Annette Johnson, Indiana Department of Education. Councillor Pfisterer recognized former firefighter Malachi Walker. Councillor Adamson recognized Art Bouvier, owner of Papa Roux restaurant. Councillor McHenry recognized Steve Powell from AT&T. Councillor Adamson recognized Sara Reardon, Health and Hospital

Corporation, and Chris Pryor, Metropolitan Indianapolis Board of Realtors. Councillor Sandlin recognized Rick Snyder with the Fraternal Order of Police.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, , at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Maggie A. Lewis
President, City-County Council

July 9, 2013

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, July 12, 2013 a copy of a Notice of Public Hearing for the Marion County Income Tax Council, said hearing to be held on July 22, 2013 at 5:30 p.m. in the City County Building; and a copy of a Notice of Public Hearing on Proposal Nos. 187, 193 and 195, 2013, said hearing to be held on Monday, July 29, 2013, at 7:00 p.m. in the City-County Building.

Respectfully,
s/NaTrina DeBow
Clerk of the City-County Council

July 18, 2013

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, NaTrina DeBow, the following ordinances:

FISCAL ORDINANCE NO. 23, 2013 – appropriates \$150,000 in the 2013 Budget of the Marion County Election Board (County General Fund) for anticipated litigation fees and expenses

FISCAL ORDINANCE NO. 24, 2013 – appropriates an additional \$27,375,494 in the 2013 Budgets of Various City and County Agencies (Fire Pension, Sanitary District Bonds, Solid Waste Collection, City Cumulative Capital Development, County General and Reassessment Funds). These appropriations equal the amount of budget reductions by fund that the Department of Local Government Finance imposed on the original 2013 Budget via budget order. This increase is partly supported by the transfer of \$31,767,652 from the newly created COIT Fund to the County General Fund

FISCAL ORDINANCE NO. 25, 2013 – appropriates \$1,131,834 in the 2013 Budget of the Department of Parks and Recreation (Federal Grants and Park General Funds) to fund further development of the Pennsy Trail and to fund the summer food program

FISCAL ORDINANCE NO. 26, 2013 – appropriates \$1,263,637 in the 2013 Budget of the Department of Public Safety (Federal Grants Fund) to fund various grant funded DPS initiatives

FISCAL ORDINANCE NO. 30, 2013 – reduces \$27,375,494 of 2013 appropriations in various City and County Agencies and various funds to align appropriations with the statutory budget limit set by the Department of Local Government Finance (DLGF) in the budget order. Agencies affected included IFD,

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DPW, IMPD, debt service, Sheriff, Superior Court, Prosecutor and Assessor. Amounts are to be simultaneously restored so that agencies can operate at the level of appropriations approved by the Council

FISCAL ORDINANCE NO. 31, 2013 – transfers \$176,000 in the 2013 Budget of the Forensic Services Agency (Federal Grants Fund) to fully execute various grants

GENERAL ORDINANCE NO. 25, 2013 – amends Sec. 291-210 of the Code to make certain military benefits retroactive to September 11, 2001

SPECIAL ORDINANCE NO. 1, 2013 – approves the final bond ordinance authorizing the issuance of up to \$17,000,000 in Indiana Economic Development Revenue Refunding Bonds to assist in the refinancing of the existing 271-unit Brookhaven at County Line Apartments project at 940 Wild Indigo Lane (District 23)

SPECIAL RESOLUTION NO. 27, 2013 – recognizes Guion Creek Middle School for winning the National Green Ribbon Award

SPECIAL RESOLUTION NO. 28, 2013 – recognizes the Greater Indianapolis Legacy Committee for their devotion to Indianapolis Public Schools students and congratulates Legacy Book Award recipients Nwofili Michael Adibuah and Brysen Arnold for acceptance into college

SPECIAL RESOLUTION NO. 29, 2013 – recognizes the Metropolitan School District of Pike Township for its achievements and national recognition

SPECIAL RESOLUTION NO. 30, 2013 - determines the need to lease certain space at 300 East Fall Creek Parkway for use as office space by the Department of Public Safety, Indianapolis Fire Department

Respectfully,
s/Gregory A. Ballard, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor McQuillen moved, seconded by Councillor Gooden, to move add Proposal No. 115, 2013, a proposal to amend the Code to change the council rules on minority representation on council committees, to the agenda for action this evening. The motion carried on the following roll call vote; viz:

15 YEAS: Cain, Evans, Freeman, Gooden, Holliday, Hunter, Lutz, Mahern, McHenry, McQuillen, Miller, Pfisterer, Sandlin, Scales, Shreve

14 NAYS: Adamson, Barth, Brown, Gray, Hickman, Lewis, Mansfield, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Simpson, Talley

President Lewis stated that Proposal No. 115, 2013 will be added as the last item under Final Adoption. Without further objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of July 8, 2013. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 145, 2013. The proposal, sponsored by Councillors Robinson and Pfisterer, recognizes Young Men, Inc. for its efforts and dedication in mentoring young African American males. Councillor Robinson read the proposal and presented representatives with copies of the document and Council pins. Malachi Walker thanked the Council for the recognition. Councillor Robinson moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 145, 2013 was adopted by a unanimous voice vote.

Proposal No. 145, 2013 was retitled SPECIAL RESOLUTION NO. 31, 2013, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 31, 2013

A SPECIAL RESOLUTION recognizing the Young Men, Inc. (YMI) Youth Ministry for its efforts and dedication to mentoring young African American males.

WHEREAS, the Young Men, Inc. (YMI) Youth Ministry was founded in 1993 by its current Director, Reverend Malachi Walker. The YMI is an outreach ministry of Great Commission Church of God, designed to empower African American males, ages 9 – 16, physically, mentally, emotionally and spiritually; and

WHEREAS, the YMI Summer Empowerment Camp is in its 18th year of operation and has grown from servicing 23 young men in 1993 to servicing more than 80 young men in 2012, with hopes of servicing between 75 - 80 young men in 2013. In the past 18 years, YMI has empowered more than 800 African American Males throughout the City of Indianapolis; and

WHEREAS, the purpose of the YMI is to foster an attitude of achievement in African American males, by providing them with the knowledge and skills necessary to achieve positive direction in life. This is done in order to help them achieve a future bright with opportunity, hope, self-esteem and self-worth; and

WHEREAS, the goal is to focus on the total individual, empowering them mentally, physically, emotionally and spiritually. The specific goals include: offering young black males a safe-haven and positive atmosphere during the summer months; exposing participants to positive, adult, black male role models; and providing workshops that will build knowledge, skills and positive direction; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes the Young Men, Inc. (YMI) Youth Ministry for its efforts and dedication to mentoring young African American males.

SECTION 2. The Council thanks the YMI and wishes it continued growth and success.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 234, 2013. The proposal, sponsored by Councillors Osili and Talley, recognizes Bright House Networks and Net Literacy for their digital inclusion and internet safety awareness initiative. Councillor Osili read the proposal and presented representatives with copies of the document and Council pins. David Johnson, member of Net Literacy, thanked the Council for the recognition. Councillor Osili moved, seconded by Councillor Talley, for adoption. Proposal No. 234, 2013 was adopted by a unanimous voice vote.

Proposal No. 234, 2013 was retitled SPECIAL RESOLUTION NO. 31, 2013, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 32, 2013

A SPECIAL RESOLUTION recognizing Bright House Networks and Net Literacy for their internet safety awareness initiative.

WHEREAS, Bright House Networks is a partner of Net Literacy, an Indianapolis-based, student-founded and managed digital inclusion nonprofit. Since 2004, Bright House Networks has helped enable thousands of Net Literacy student volunteers at Indianapolis Public Schools (IPS) high schools to donate more than 12,500 computers to schools so that they could be given to families with students that did not have a computer at home; and

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WHEREAS, by increasing computer access through the placement of computers in the homes of students, it has been shown that graduation rates have increased by 7%. Not only has it aided in the enhancement of their ability to be successful academically, but it will also help them throughout their lives; and

WHEREAS, Bright House Networks has supported the increase of internet safety awareness by aiding Net Literacy's student volunteers' production of 25 internet safety public service announcements, which have been broadcasted on Bright House Networks since 2009 and viewed by more than 100,000 Indianapolis citizens; and

WHEREAS, Bright House Networks has trained IPS high school students to inform elementary school students about internet safety through their support of Net Literacy; and

WHEREAS, through its support of Net Literacy's goals, Bright House Networks has shown that it is a socially responsible corporation that gives back to the community it serves; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Bright House Networks and Net Literacy for their internet safety awareness initiative.

SECTION 2. The Council thanks Bright House Networks and Net Literacy for their support in making Indianapolis Public Schools students aware of internet safety.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 204, 2013. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 204, 2013 on July 17, 2013. The proposal, sponsored by Councillors Mascari, Freeman, Hunter, Oliver and Moriarty Adams, urges the completion of the independent evaluation and audit on the Indianapolis/Marion County Law Enforcement merger as required by IC 36-3-1-5.1(e)(9). By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Freeman said that he wants to make it clear that if the Council wishes to support the goal of this effort, he believes it should be a holistic look at the whole public safety enterprise, including the Sheriff's Department. He said that he hopes it gets the full support of all agencies to take a holistic look and that all are willing to participate in the audit.

Councillor Hunter said that he raised some concerns in committee that he does not think this language mirrors Indiana Code, and he thinks it should be clarified if the intent is that the City of Indianapolis conduct the audit or an outside firm conduct it. He said that they need to make sure the City has the resources to get this done. Councillor Mascari said that the last time an audit was done, it was done by an outside entity, but he is okay with them doing it in-house. He added that the Code does not include the Sheriff's Department, but only indicates an audit of the merged entity. Councillor Hunter said that he believes they still need the Sheriff's input and assistance if this is truly a holistic look.

Councillor Moriarty Adams said that the law enforcement and investigations divisions of the Sheriff's Department were merged, and her understanding is that this audit would cover those divisions. She said that she would have to defer to the Office of Finance and Management (OFM) as to whether or not they have the resources to do this audit in-house. Councillor Hunter said that he believes everyone is in agreement that this needs to be done, but he does not want it delayed if resources are not available in-house to do them, and he totally supports the effort.

Councillor Moriarty Adams moved, seconded by Councillor Mascari, for adoption. Proposal No. 234, 2013 was adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson
0 NAYS:

Proposal No. 204, 2013 was retitled COUNCIL RESOLUTION NO. 51, 2013, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 51, 2013

A PROPOSAL FOR A COUNCIL RESOLUTION urging the completion of the independent evaluation and audit on the Indianapolis/Marion County Law Enforcement merger, as required by Indiana Code 36-3-1-5.1(e)(9).

WHEREAS, in 2005, the Indiana General Assembly enacted Public Law 227-2005, SECTION 17; and

WHEREAS, Public Law 227-2005, SECTION 17, was codified in the Indiana Code as 36-3-1-5.1; and

WHEREAS, those statutory provisions allowed the City County Council to adopt an ordinance to consolidate the Indianapolis Police Department with certain divisions of the Marion County Sheriff's Department; and

WHEREAS, the justification for the enactment of the law enforcement consolidation provisions was "cost savings," "operational efficiencies," and "improved service levels;" and

WHEREAS, the General Assembly mandated two separate "independent evaluation(s) and performance audit(s)" to assess the impact of law enforcement consolidation, specifically "cost savings," "operational efficiencies," and "improved service levels;" and

WHEREAS, the initial study was performed, however, the second independent evaluation and performance audit due in 2008 was never performed; and

WHEREAS, questions have arisen regarding I.M.P.D. "cost savings," "operations," and "service levels" that could be addressed by an independent evaluation and performance audit; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Executive of the Consolidated City is urged to provide for an independent evaluation and performance audit, in accord with I.C. 36-3-1-5.1(e)(9).

SECTION 2. That the independent evaluation and performance audit should be provided to the City County Council and the Indiana Legislative Council, in accordance with IC 36-3-1-5.1(e)(9).

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 190, 2013. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 190, 2013 on July 15, 2013. The proposal, sponsored by Councillor Barth, reappoints Santina Sullivan to the Indianapolis City Market Corporation Board of Directors. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Robinson moved, seconded by Councillor Simpson, for adoption. Proposal No. 190, 2013 was adopted on the following roll call vote; viz:

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28 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gooden, Gray, Hickman, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Talley
1 NAY: Holliday

Proposal No. 190, 2013 was retitled COUNCIL RESOLUTION NO. 52, 2013, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 52, 2013

A COUNCIL RESOLUTION reappointing Santina Sullivan to the Indianapolis City Market Corporation Board of Directors.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council reappoints:

Santina Sullivan

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2014. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 196, 2013. Councillor Gray reported that the Municipal Corporations Committee heard Proposal No. 196, 2013 on July 24, 2013. The proposal, sponsored by Councillor Gray, corrects the term ending date for Vanessa Villegas Lopez as an appointee to the Indianapolis-Marion County Public Library Board. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray made the following motion:

Madam Chair:

I move to amend SECTION 2 of Proposal No. 196, 2013, by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

SECTION 2. The appointment made by this resolution is for a term ending April 4, 2016. The person appointed by this resolution shall serve at the pleasure of the Council and until his or her successor is appointed and qualifies, unless the duration of the holdover period for this office is limited by statute.

Councillor Lutz seconded the motion.

Councillor Pfisterer asked if this is not already currently limited by statute. Councillor Lutz said that he does not believe so, the way it was written. He said that in the miscellaneous section there is a limitation for appointees that serve on non-elected boards. General Counsel Fred Biesecker said that there is a question as to whether this applies to all boards or just those with political affiliation. He said that he spoke to Minority Caucus Counsel Robert Elrod, and he said that historically it was only applied to boards with political balance requirements. Otherwise, one political party could keep control of a board forever by not allowing the other party to serve. He said that the best solution for this evening, he believes, is to put this language into the proposals and then find a resolution definitively one way or the other. Councillor Pfisterer asked if they are not usurping state authority with this language, and if it is unclear, they should be clear before proceeding. Mr. Biesecker said that they are not usurping any authority, and if it is determined

that it does apply, then this 60 days applies, if not, then they recognize that it does not apply. The past practice has been to only include such language to board appointments with political affiliation requirements. Councillor Pfisterer said that until it is clear, she does not feel comfortable voting on this.

Councillor Lutz said that he is the one who raised this issue, and thought this amendment was an easy way to deal with this. If they do not do it, he does not want the Department of Local Government Finance (DLGF) taking a position that their appointees do not have the authority to serve. He said that he does not have any problem with this appointee and feels she is doing a good job, and he urged his colleagues to support the amendment.

Councillor Gooden said that he will abstain from voting on this proposal, as his law firm represents the Library.

The motion to amend carried by a unanimous voice vote.

Councillor Gray moved, seconded by Councillor Lutz, for adoption, as amended. Proposal No. 196, 2013 was adopted on the following roll call vote; viz:

28 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Talley
0 NAYS:
1 NOT VOTING: Gooden

Proposal No. 196, 2013 was retitled COUNCIL RESOLUTION NO. 53, 2013, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 53, 2013

A COUNCIL RESOLUTION correcting the term ending date for Vanessa Villegas Lopez as an appointee to the Indianapolis-Marion County Public Library Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis-Marion County Public Library Board, the Council reappoints:

Vanessa Villegas Lopez

SECTION 2. The appointment made by this resolution is for a term ending April 4, 2016. The person appointed by this resolution shall serve at the pleasure of the Council and until his or her successor is appointed and qualifies, unless the duration of the holdover period for this office is limited by statute.

PROPOSAL NO. 198, 2013. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 198, 2013 on July 17, 2013. The proposal, sponsored by Councillor Moriarty Adams, appoints Karla DeJuan Romero to the Citizens Police Complaint Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Moriarty Adams moved, seconded by Councillor Oliver, to strike. Proposal No. 198, 2013 was stricken by a unanimous voice vote.

PROPOSAL NO. 200, 201. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 200, 2013 on July 17, 2013. The proposal, sponsored by Councillor Moriarty Adams, appoints George Stephenson to the Marion County

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Community Corrections Advisory Board. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams made the following motion:

Madam Chair:

I move to amend SECTION 2 of Proposal No. 200, 2013, by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2015. The person appointed by this resolution shall serve at the pleasure of the Council and until his or her successor is appointed and qualifies, unless the duration of the holdover period for this office is limited by statute.

Councillor Lutz seconded the motion, and Proposal No. 200, 2013 was amended by a unanimous voice vote.

Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal No. 200, 2013, as amended, was adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson
0 NAYS:

Proposal No. 200, 2013 was retitled COUNCIL RESOLUTION NO. 54, 2013, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 54, 2013

A COUNCIL RESOLUTION appointing George Stephenson to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

George Stephenson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2015. The person appointed by this resolution shall serve at the pleasure of the Council and until his or her successor is appointed and qualifies, unless the duration of the holdover period for this office is limited by statute.

PROPOSAL NO. 202, 2013. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 202, 2013 on July 17, 2013. The proposal, sponsored by Councillor Moriarty Adams, corrects the terms of certain members appointed to the Marion County Community Corrections Advisory Board. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Brown, for adoption. Proposal No. 202, 2013 was adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson
0 NAYS:

Proposal No. 202, 2013 was retitled COUNCIL RESOLUTION NO. 55, 2013, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 55, 2013

A COUNCIL RESOLUTION correcting the terms of certain members appointed to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The following City-County Council Resolutions are hereby amended to provide for the expiration of the respective terms to the Marion County Community Corrections Advisory Board as stated:

City-County Council Resolution No. 104, 2009 – Jason Reyome– expires December 31, 2013
City-County Council Resolution No. 9, 2013 – Joe Shikany – expires December 31, 2015

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 205, 2013. Councillor Brown reported that the Public Works Committee heard Proposal No. 205, 2013 on July 18, 2013. The proposal, sponsored by Councillor Brown, corrects the terms of certain members appointed to the Air Pollution Control Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Brown moved, seconded by Councillor Adamson, for adoption. Proposal No. 205, 2013 was adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson
0 NAYS:

Proposal No. 205, 2013 was retitled COUNCIL RESOLUTION NO. 56, 2013, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 56, 2013

A COUNCIL RESOLUTION correcting the terms of certain members appointed to the Air Pollution Control Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The following City-County Council Resolutions are hereby amended to provide for the expiration of the respective terms to the Air Pollution Control Board as stated:

City-County Council Resolution No. 88, 2012 – Aaron Schmoll – expires June 30, 2016
City-County Council Resolution No. 91, 2012 – Gary A. Pierson – expires June 30, 2016

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 227, 2013. Introduced by Councillors Pfisterer and McQuillen. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates the 2013 proceeds in an amount not to exceed \$10,000,000 towards the refunding of the 2003 Indy Roads bonds"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 228, 2013. Introduced by Councillors McQuillen and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes the refunding of the 2003 Indy Roads bonds in an amount not to exceed \$10,000,000"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 229, 2013. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of special taxing district bonds of the Redevelopment District for the purpose of refunding certain prior bonds in an amount not to exceed \$13,500,000"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 230, 2013. Introduced by Councillors Moriarty Adams, Barth, Mansfield and Miller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code by adding a new chapter establishing the Indianapolis-Marion County public art for neighborhoods program"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 231, 2013. Introduced by Councillor Holliday. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the statement of benefits for Reflex & Allen USA, an applicant for tax abatement for property located in an economic revitalization area"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 232, 2013. Introduced by Councillors McHenry and Adamson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Reed Road from 46th Street to 56th Street (District 6)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 233, 2013. Introduced by Councillors Miller and Adamson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes one-way traffic on Alley 550 E between East Street and Warsaw Street (District 19)"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 235, 2013, PROPOSAL NOS. 236-242, 2013 and PROPOSAL NOS. 243-247, 2013. Introduced by Councillor Robinson. Proposal No. 235, 2013, Proposal Nos. 236-242, 2013 and Proposal Nos. 243-247, 2013 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on July 19, 2013. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 52-64, 2013, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 52, 2013.
2013-ZON-016
5500 MILLS ROAD (*Approximate Address*)
INDIANAPOLIS, DECATUR TOWNSHIP
COUNCIL DISTRICT # 22

HERMAN AND KITTLE PROPERTIES, INC, by Joseph D. Calderon, requests Rezoning of 15.52 acres, from the D-7, D-11 and C-4 Districts, to the D-7 classification to provide for multifamily uses.

REZONING ORDINANCE NO. 52, 2013.

2011-ZON-016

426 EAST 16TH STREET (*Approximate Address*)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 9

ISAM SAMARA, by David Kingen, requests Rezoning of 0.39 acres, from the C-4 District to the C-3 classification.

REZONING ORDINANCE NO. 52, 2013.

2013-ZON-012

620 NORTH EAST STREET

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 9

PATRICK HEITZ requests Rezoning of 0.5 acre from the C-S District to the CBD-2 classification.

REZONING ORDINANCE NO. 52, 2013.

2013-ZON-017

5550 FALL CREEK PARKWAY, NORTH DRIVE (*Approximate Address*)

INDIANAPOLIS, WASHINGTON TOWNSHIP

COUNCIL DISTRICT # 4

DOUGLAS REALTY ADVISORS/DOUGLAS REALTY GROUP, by Russell L. Brown, requests Rezoning of 9.98 acres, from the D-P (FW) (FF) district to the C-3 (FW) (FF) classification to provide for commercial uses.

REZONING ORDINANCE NO. 52, 2013.

2013-ZON-031

1049 EAST 54TH STREET (*Approximate Address*)

INDIANAPOLIS, WASHINGTON TOWNSHIP

COUNCIL DISTRICT # 3

JACQUELINE S. NICHOLAS, by Stephen D. Mears, requests Rezoning of 1.03 acres, from the I-4U (W-5) District, to the C-S (W-5) classification to provide for a C-3, C-5 and contractor uses, except for the following C-5 uses:

- a) automobile; dealers, leasing, rental, body repair/paint shop,
- b) glass replacement shop,
- c) tractor; dealers, repair or service,
- d) transmission repair shop,
- e) motorcycle; dealers, rental, repair shop, paint shop,
- f) recovery service and repossession service
- g) repossession service, other than automotive
- h) outdoor flea market
- i) outdoor storage

REZONING ORDINANCE NO. 52, 2013.

2013-ZON-033

1405, 1423 AND 1425 WEST HANNA AVENUE (*Approximate Addresses*)

INDIANAPOLIS, PERRY TOWNSHIP

COUNCIL DISTRICT # 22

MARVIN G. MARLIN requests Rezoning of 4.79 acres, from I-2-S (FF) and D-3 (FW) (FF) Districts, to the I-3-S (FW) (FF) classification to provide for medium industrial uses.

REZONING ORDINANCE NO. 52, 2013.

2013-ZON-034

8850, 8910 AND 8918 CRAWFORDSVILLE ROAD (*Approximate Addresses*)

INDIANAPOLIS, WAYNE TOWNSHIP

COUNCIL DISTRICT # 6

MILLER PIPELINE, LLC, by Paul G. Reis, requests Rezoning of 0.89 acre, from the C-3, D-4 and C-ID Districts, to the C-ID classification to provide for the construction of an approximately 53,000-square foot building for office space and vehicle and equipment maintenance.

REZONING ORDINANCE NO. 52, 2013.

2013-CZN-811

July 29, 2013

1057 AND 1101 EAST 54TH STREET (*Approximate Address*)
INDIANAPOLIS, WASHINGTON TOWNSHIP
COUNCIL DISTRICT # 3

THISTLE COMPANY LLC / SDL COMPANY, LLC, by David Kingen, requests Rezoning of 1.96 acres from the I-4-U (W-5) district to the C-S (W-5) classification to provide for C-2 uses, C-3C uses, I-2-U uses, bed and breakfast, event center (including weddings, small parties, recitals and live entertainment on interior and enclosed patio), distributor, fitness facility, live-work studios, music lessons (individual and group), off-street parking for commercial uses within 500 feet, one outdoor fair, with music during the month of June, outside dining on rear patio of front yard sitting area per site plan, personal trainer studio and yoga studio.

REZONING ORDINANCE NO. 52, 2013.

2012-ZON-079

3808 SHELBY STREET (*Approximate Address*)

INDIANAPOLIS, PERRY TOWNSHIP

COUNCIL DISTRICT # 23

UNIVERSITY OF INDIANAPOLIS, by Eugene Valanzano, requests Rezoning of 1.21 acres, from the I-3-U District, to the UQ-1 classification to provide for university uses.

REZONING ORDINANCE NO. 52, 2013.

2013-ZON-029

4822 MANN ROAD (*Approximate Addresses*)

INDIANAPOLIS, DECATUR TOWNSHIP

COUNCIL DISTRICT # 22

C & P DEVELOPMENT LLC, by Jeffrey M. Bellamy, requests Rezoning of 2.68 acres, from the C-S District, to the C-S classification to provide for the uses originally approved by Petition 95-Z-178 and to legally establish an on-site property manager's apartment and an outdoor gravel storage area and to modify the Commitments of 95-Z-178 to terminate Commitment Three requiring Administrator's Approval of a final site plan indicating the full transitional yards required by the C-S District in order to eliminate landscaping on the north and south property boundaries.

REZONING ORDINANCE NO. 52, 2013.

2013-ZON-035

10203 PENTECOST ROAD

INDIANAPOLIS, FRANKLIN TOWNSHIP

COUNCIL DISTRICT # 25

RH OF INDIANA, L.P., by David Retherford, requests Rezoning of 3.5 acres from the

D-A District to the D-P classification to permit this site to be incorporated into the Wolf Run development (2003-ZON-060, as modified by 2004-APP-058 and 2007-APP-187).

REZONING ORDINANCE NO. 52, 2013.

2013-ZON-040

9737 FALL CREEK ROAD

CITY OF LAWRENCE, LAWRENCE TOWNSHIP

COUNCIL DISTRICT # 12

GLENDALE PARTNERS OF GEIST CROSSING II, LLC, by Thomas Michael Quinn, requests Rezoning of 5.28 acres from the C-1 (FF) (W-1) and C-3 (FF) (W-1) Districts to the C-3 (FF) (W-1) classification to provide for retail uses.

REZONING ORDINANCE NO. 52, 2013.

2013-CZN-813

2210 KENTUCKY AVENUE (*approximate address*)

INDIANAPOLIS, WAYNE TOWNSHIP

COUNCIL DISTRICT # 19

RAMJO INC., C/O JACKSON OIL AND SOLVENTS, by David Kingen, requests Rezoning of 3.03 acres from the I-4-S District to the C-7 classification to provide for a convenience store / gasoline station and truck stop.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 172, 2013. Councillor Barth reported that the Public Safety and Criminal Justice Committee heard Proposal No. 172, 2013 on June 19, 2013. The proposal was returned to committee on July 8, 2013 and reassigned to the Rules and Public Policy Committee by the President on July 11, 2013. The Rules and Public Policy Committee heard Proposal No. 172, 2013 on July 23, 2013. The proposal, sponsored by Councillor Mascari, appropriates \$535,087 in the 2013 Budget of the Marion County Sheriff (County General Fund) to cover contractual increases for sworn deputies. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Hunter said that the technical handling of this proposal is in violation of the Council Rules and calls to light a serious issue. He said that his comments are not about the raises, as he feels deputies need a raise, but rather about the handling of the proposal. He read from the journal of the Council meeting on July 8, 2013, and said that this proposal was initially assigned to the Public Safety and Criminal Justice Committee. The proposal was referred out of committee to the full Council, but then was motioned and voted back to committee. The Journal that was adopted at the beginning of tonight's meeting clearly states that the proposal was returned to committee by a vote of the full Council, which would mean the Public Safety and Criminal Justice Committee. He said that, instead, it went to Rules. At no time, according to the Journal adopted this evening, was it ever assigned to the Rules and Public Policy Committee. He said that Roberts Rules of Order is silent on this issue, but the motion of the body as a whole overrides any action by the President. He said that it was explained that this was a companion proposal to another, but he does not know what a "companion proposal" is, because there is nothing in the Council Rules defining a "companion proposal." He said that a whole other committee heard the proposal, when the Public Safety and Criminal Justice Committee had already been dealing with the issue. He said that he believes reassigning the proposal to the Rules and Public Policy Committee was outside the purview of the President to reassign. He moved, seconded by Councillor Freeman, to return Proposal No. 172, 2013 to the Public Safety and Criminal Justice Committee.

Mr. Biesecker said that the reason for returning the proposal to committee is that the fiscal impact statement had not yet been heard. By ordinance, the fiscal impact statement has to be heard by the Rules and Public Policy Committee. The Public Safety and Criminal Justice Committee was scheduled to meet again before the Rules and Public Policy Committee meeting on July 23, 2013, again, before the fiscal impact statement could be heard. The decision was therefore made to reassign the proposal to the Rules and Public Policy Committee so that they could be heard at the same time. He said that he would respectfully disagree with Councillor Hunter that the President's power to assign proposals to committee is only at the time of introduction. He said that the Code specifically says a proposal should be reported for action within 45 days unless the President withdraws or reassigns it. In this case, it made sense to reassign the proposal, rather than delay it further. He said that the Public Safety and Criminal Justice Committee had already approved it once. Councillor Hunter said that the motion on the floor of the full Council body was to return the proposal to committee, which was the Public Safety and Criminal Justice Committee. He said that this goes toward the question that this body often does not follow its own rules, and the motion and vote of the full body should have carried that action.

Councillor Mahern agreed and said that this body's intent was to return this item back to the Public Safety and Criminal Justice Committee. He said that the Council Rules do not give the President the authority to override a vote of this body or determine the intent of a vote by this

body. Mr. Biesecker said that reassigning the proposal was a matter of scheduling and common sense.

Councillor Freeman said that as a member of the Public Safety and Criminal Justice Committee, if there was more information to be forthcoming, such as the fiscal impact statement, then it should have gone to that committee which oversees the Marion County Sheriff's Department. He said that if it had to go to the Rules and Public Policy Committee first, so be it, but the Public Safety and Criminal Justice Committee is the committee that votes on the Sheriff's budget, and they need to have that responsibility. He said that he does not serve on the Rules and Public Policy Committee.

Councillor Talley said that the sole authority of assigning proposals to committees lies with the president, without regard to where it is in the hearing process.

Councillor Mahern said that he is not questioning this proposal, but it is a general question of who is in control of proposals, this body or its president. He asked if absent a change in the Rules if Mr. Biesecker is saying that power currently resides with the president. Mr. Biesecker responded in the affirmative.

Proposal No. 172, 2013 was returned to the Public Safety and Criminal Justice Committee on the following roll call vote; viz:

15 YEAS: Cain, Evans, Freeman, Gooden, Holliday, Hunter, Lutz, Mahern, McHenry, McQuillen, Miller, Pfisterer, Sandlin, Scales, Shreve

14 NAYS: Adamson, Barth, Brown, Gray, Hickman, Lewis, Mansfield, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Simpson, Talley

Councillors Mahern, Mansfield, Oliver, Hunter and Mascari asked for consent to explain their votes. Consent was given. Councillor Mahern said that the Rules have become of loose constraint of late, and the public confidence is shaken when this body's decisions are undermined. Councillor Mansfield said that it is the responsibility of the Council attorney to make legal determinations, and Mr. Biesecker made it clear that the Rules were not violated. Councillor Oliver said that it is counsel's job to insure that rules are being followed and he would question the motives of those who wish to take away the president's discretion to follow those rules. Councillor Hunter said that his comments were not an indictment of Councillor Lewis, but rules are important, and the General Counsel is simply a parliamentarian, and this body can vote to overrule his ruling at any time. Councillor Mascari said that he hopes this proposal will receive even more support by the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 174, 2013. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 174, 2013 on June 19 and again on July 17, 2013 after being returned to committee by the Council on July 8, 2013. The proposal, sponsored by Councillor Moriarty Adams, transfers \$10,000 in the 2013 Budget of the Public Defender Agency (County General Fund) between characters to fund expenses not budgeted for in 2013. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:25 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal No. 174, 2013 was adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson
0 NAYS:

Proposal No. 174, 2013 was retitled FISCAL ORDINANCE NO. 32, 2013, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 2013

A FISCAL ORDINANCE amending the City-County Annual Budget for 2013 (City-County Fiscal Ordinance No.36, 2012) by transferring and appropriating a total of \$10,000 for purposes of the Marion County Public Defender Agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since its adoption, the City-County Annual Budget for 2013 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Public Defender Agency.

SECTION 2. The Marion County Public Defender Agency, transfer between characters to fund expenses not budgeted for in 2013 in the County General Fund The following changes to appropriations are hereby approved:

| FUND | CHAR 1 | CHAR 2 | CHAR 3 | CHAR 4 | CHAR 5 | TOTAL |
|---------------------------------|--------|----------|--------|--------|--------|-------|
| COUNTY GENERAL FUND 10101 | | (10,000) | 10,000 | | | 0 |

SECTION 3. Article V of the 2013 budget ordinance (fiscal ordinance 36, 2012) is hereby amended by increasing the number of authorized FTE's for the Marion County Public Defender Agency from 205.78 to 209.91 FTE.

SECTION 4. Upon approval of this, and other pending approvals, the 2012 year end and projected 2013 year end fund balances are as follows:

| | Projected 2012 year-end balance | Projected 2013 year-end balance |
|---------------------------|---------------------------------|---------------------------------|
| County General Fund 10101 | \$10,865,850 | \$9,175,597 |

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 193, 2013. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 193, 2013 on July 15, 2013. The proposal, sponsored by Councillors Simpson and Pfisterer, appropriates \$3,700,000 in the 2013 Budget of the Department of Metropolitan Development (Federal Grants Fund) from prior year grant awards for economic development and housing revitalization. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:26 p.m. There being no one present to testify, Councillor Robinson moved, seconded by Councillor Talley, for adoption. Proposal No. 193, 2013 was adopted on the following roll call vote; viz:

28 YEAS: Adamson, Barth, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Talley
0 NAYS:
1 NOT VOTING: Brown

Proposal No. 193, 2013 was retitled FISCAL ORDINANCE NO. 33, 2013, and reads as follows:

July 29, 2013

CITY-COUNTY FISCAL ORDINANCE NO. 33, 2013

A FISCAL ORDINANCE amending the City-County Annual Budget for 2013 (City-County Fiscal Ordinance No. 36, 2012) to appropriate an additional Three Million Seven Hundred Thousand Dollars (\$3,700,000) for purposes of the Department of Metropolitan Development (DMD).

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption, the City-County Annual Budget for 2013 is hereby amended to reflect additional appropriations hereinafter stated for purposes of the Department of Metropolitan Development.

SECTION 2. Community Development Block Grant (CDBG) funds available from prior year awards will be appropriated to DMD in the amount of \$700,000 for the purpose of creating job opportunities in the Neighborhood Revitalization Strategy Area, in accordance with the Consolidated Plan.
This grant does not require matching funds.

SECTION 3. Home Investment Partnership Program (HOME) funds available from prior year awards will be appropriated to DMD in the amount of \$3,000,000 for the purpose of making decent, affordable homes available for low/moderate income individuals.
This grant does not require matching funds.

SECTION 4. The following additional appropriations referenced above are hereby approved:

| FUND | CHAR 1 | CHAR 2 | CHAR 3 | CHAR 4 | CHAR 5 | TOTAL |
|-----------------------------|--------|--------|-----------|--------|--------|-----------|
| FEDERAL GRANTS (CDBG 25502) | 0 | 0 | 700,000 | 0 | 0 | 700,000 |
| FEDERAL GRANTS (HOME 25503) | 0 | 0 | 3,000,000 | 0 | 0 | 3,000,000 |

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 195, 2013. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 195, 2013 on July 15, 2013. The proposal, sponsored by Councillors Simpson and Pfisterer, appropriates \$97,000 in the newly created Brownfield Redevelopment Fund (Federal Grants and Redevelopment Fund) for purposes of staff salaries and grant consulting. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:28 p.m. There being no one present to testify, Councillor Robinson moved, seconded by Councillor Simpson, for adoption. Proposal No. 195, 2013 was adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty, Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson
0 NAYS:

Proposal No. 195, 2013 was retitled FISCAL ORDINANCE NO. 34, 2013, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 34 , 2013

A FISCAL ORDINANCE amending the City-County Annual Budget for 2013 (City-County Fiscal Ordinance No. 36, 2012) to increase appropriation by Ninety Seven Thousand Dollars (\$97,000) in the Redevelopment Fund and reduce appropriation by Seventy Two Thousand Dollars (\$72,000) in the Federal Grants fund for purposes of the Department of Metropolitan Development (DMD).

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption, the City-County Annual Budget for 2013 is hereby amended to reflect the reduction in appropriations in the amount of \$72,000 from the Federal Grants fund (Community Development Block Grants subfund), and an increase in appropriation in the amount of \$97,000 in the Redevelopment Fund (Brownfield Redevelopment subfund).

The \$72,000 appropriation in Federal Grants was budgeted for Community Economic Development staff salaries, funded by a Community Development Block Grant to work on brownfield initiatives. These grant funds are no longer needed for this purpose and will be available for other purposed to be budgeted in 2014.

Appropriation will be created for the same amount, \$72,000, in the newly created Brownfield Redevelopment Fund. This appropriation will be used to cover the salaries of the two staff members previously funded by CDBG grant.

Additional appropriation will be created in the Brownfield Redevelopment Fund, in the amount of \$25,000 for grant writing consulting services.

SECTION 2. The following increases and reduction in appropriations referenced above are hereby approved:

| FUND | CHAR 1 | CHAR 2 | CHAR 3 | CHAR 4 | CHAR 5 | TOTAL |
|---|-----------------|---------------|---------------|---------------|---------------|-----------------|
| FEDERAL GRANTS (CDBG 25502) | (72,000) | 0 | 0 | 0 | 0 | (72,000) |
| REDEVELOPMENT FUND (BROWNFIELDS REDEVELOPMENT SUBFUND) | 72,000 | 0 | 25,000 | 0 | 0 | 97,000 |

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 197, 2013. Councillor Gray reported that the Municipal Corporations Committee heard Proposal No. 197, 2013 on July 24, 2013. The proposal, sponsored by Councillor Gray, approves the issuance of Library General Obligation Refunding Bonds for the Indianapolis-Marion County Public Library in an amount not to exceed \$36,000,000 to refund current outstanding bonds and appropriates available proceeds and interest earnings to result in an estimated 11% savings of current outstanding principal. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:32 p.m. There being no one present to testify, Councillor Gray moved, seconded by Councillor Freeman, for adoption. Proposal No. 197, 2013 was adopted on the following roll call vote; viz:

28 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Talley
0 NAYS:
1 NOT VOTING: Gooden

Proposal No. 197, 2013 was retitled GENERAL ORDINANCE NO. 26, 2013, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 2013

A GENERAL ORDINANCE approving the (a) issuance of: "Indianapolis-Marion County Public Library General Obligation Refunding Bonds (with the series designation based on the year of issuance)" in an original aggregate principal amount not to exceed Thirty-Six Million Dollars (\$36,000,000); and (b) additional appropriations of available funds of the Indianapolis-Marion County Public Library, the proceeds of the Refunding Bonds and interest earnings on all such funds and proceeds for the purpose of refunding certain outstanding general obligation bonds of the Indianapolis-Marion County Public Library.

WHEREAS, the Indianapolis-Marion County Public Library (the "Public Library") has previously issued the (a) Indianapolis-Marion County Public Library General Obligation Bonds, Series 2005, dated as of December 8, 2005 (the "2005 Bonds"), in the aggregate principal amount of \$12,000,000, for the purpose of funding a portion of the costs of the transformation of the Central Library and all of the costs of issuance of the 2005 Bonds, all in accordance with Resolution 87-2005, adopted by the Library Board of the Public Library (the "Library Board") on August 25, 2005 (the "2005 Final Bond Resolution"), and which are currently outstanding in the aggregate principal amount of \$4,190,000, (b) Indianapolis-Marion County Public Library General Obligation Bonds, Series 2006, dated as of September 1, 2006 (the "2006 Bonds"), in the aggregate principal amount of \$25,000,000, for the purpose of funding a portion of the costs of the transformation of the Central Library, all of the interest on the 2006 Bonds through and including January 1, 2008, and all of the costs of issuance of the 2006 Bonds, all in accordance with Resolution 56-2006, adopted by the Library Board on July 20, 2006 (the "2006 Final Bond Resolution"), and which are currently outstanding in the aggregate principal amount of \$25,000,000, and (c) Indianapolis-Marion County Public Library General Obligation Bonds, Series 2007, dated as of May 3, 2007 (the "2007 Bonds"), in the aggregate principal amount of \$20,000,000, for the purpose of funding a portion of the costs of the transformation of the Central Library, all of the interest on the 2007 Bonds through and including January 1, 2008, and all of the costs of issuance of the 2007 Bonds, all in accordance with Resolution 38-2007, adopted by the Library Board on March 15, 2007 (the "2007 Final Bond Resolution"), and which are outstanding in the aggregate principal amount of \$12,895,000; and

WHEREAS, the Library Board previously adopted Resolution 24-2008 on March 20, 2008 (the "2008 Resolution") which authorized the use of the Settlement Amount (as defined in the 2008 Resolution) and interest earnings thereon to provide funding for the Defeasance Program (as defined in the 2008 Resolution); and

WHEREAS, as of the date of this Ordinance, the Library Board anticipates that the remaining Settlement Amount and interest earnings thereon will not exceed \$5,700,000; and

WHEREAS, on June 24, 2013, the Library Board, being the governing body of the Public Library, adopted a bond resolution authorizing the issuance of general obligation refunding bonds of the Public Library to be designated as "Indianapolis-Marion County Public Library General Obligation Refunding Bonds (with the series designation based on the year of issuance)," in an original aggregate principal amount not to exceed Thirty-Six Million Dollars (\$36,000,000) (the "Refunding Bonds"), for the purpose of procuring funds, which would be used together with the remaining Settlement Amount and interest earnings thereon (i) to apply to the advance or current refunding of all or a portion of the outstanding 2005 Bonds, the 2006 Bonds and the 2007 Bonds (collectively, the "Refunded Bonds") prior to such time as the Refunded Bonds are subject to redemption in order to effect a savings to the Public Library; and (ii) to pay the costs of issuance of the general obligation refunding bonds (sub-paragraphs (i) through (ii) collectively, the "Refunding Program"); and

WHEREAS, the Library Board has requested the approval of the City-County Council of the issuance of the Refunding Bonds, pursuant to IC 36-3-6-9(c), the approval of the additional appropriation of the Settlement Amount and interest earnings thereon in an amount not to exceed \$5,700,000 for the Refunding Program pursuant to IC 6-1.1-18-5(j), the approval of the additional appropriation of the proceeds of the Refunding Bonds and interest earnings on the proceeds not deposited into the irrevocable escrow account for the Refunded Bonds in an amount not to exceed \$36,100,000 for the Refunding Program pursuant to IC 6-1.1-18-5(j), and the City-County Council now finds that the issuance of the Refunding Bonds and appropriations set forth above should be approved; and

WHEREAS, notice of a hearing on said appropriations has been published as required by law; and

WHEREAS, such public hearing on said appropriations has been held on the date hereof at this location and prior to consideration of this Ordinance at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriations; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. For the purpose of providing funds for the Refunding Program, the City-County Council does hereby approve the issuance of the Refunding Bonds in one or more series, as general obligation refunding bonds of the Public Library, to be designated as "Indianapolis-Marion County Public Library General Obligation Refunding Bonds (with the series designation based on the year of issuance)," in an original aggregate principal amount not to exceed Thirty-Six Million Dollars (\$36,000,000), bearing interest at a rate or rates not to exceed five percent (5.00%) per annum and having a final maturity no later than January 1, 2023; provided, however, the net debt service savings of each series of the Refunding Bonds shall be at least three percent (3.00%) of the aggregate principal amount of the Refunded Bonds being refunded with the proceeds of such Refunding Bonds.

SECTION 2. For the purpose of providing funds for the Refunding Program, the City-County Council does hereby approve the appropriation of a sum not to exceed Thirty-Six Million One Hundred Thousand Dollars (\$36,100,000) out of the proceeds of the Refunding Bonds together with all interest earnings on that portion not deposited in the irrevocable escrow accounts, all of which sum shall be for the use of the Public Library in paying the costs of the Refunding Program. For the purpose of providing funds for the Refunding Program, the City-County Council does also hereby approve the appropriation a sum not to exceed Five Million Seven Hundred Thousand Dollars (\$5,700,000) out of the remaining Settlement Amount and interest earnings thereon, all of which sum shall be for the use of the Public Library in paying the costs of the Refunding Program.

SECTION 3. Such appropriations shall be in addition to all appropriations provided for in the existing budget and levy of the Public Library, and shall continue in effect until the completion of the Refunding Program. Any surplus of such proceeds shall be credited to the proper fund as required by law.

SECTION 4. Any and all prior actions taken by any officer of the Public Library, the City or any member of the Library Board or the City-County Council in connection and consistent with this Ordinance, including, but not limited to, publication of the notice of the public hearing held on the date hereof, is hereby ratified and approved.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, 36-3-4-15, 36-3-4-16 and 36-3-4-17.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 52, 2013. Councillor Barth reported that the Rules and Public Policy Committee heard Proposal No. 52, 2013 on February 12, April 9, May 7 and July 23, 2013. The proposal, sponsored by Councillors Miller, Barth, Adamson and Hickman, amends the Code to adopt new provisions within Chapter 575 regarding the elimination of graffiti. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Adamson made the following motion:

Madam President,

I move to amend SECTION 1 of Proposal No. 52, 2013, as previously amended in committee, specifically Secs. 575-202 to 575-206 by deleting the language that is stricken-through and adding the underlined language, to read as follows:

Sec. 575-202. Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them in this section:

Abate or *Abatement* means the removal or complete covering of graffiti.

Aerosol paint means any color or pigment adapted or made for the purpose of being applied or sprayed to the surface of an object.

Authorized individual means a designee of the Director of the Department of Code Enforcement

Broad-tipped marker means any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth (1/4th) of an inch, containing ink or other pigmented liquid, that is not water soluble.

Department means the Department of Code Enforcement or its designee.

Etching equipment means any tool, device, or substance than can be used to make permanent marks on any natural or man-made surface. It shall not mean any key, silverware, gardening tool, or pocketknife.

Graffiti means any unauthorized inscription, word, figure, design, painting, writing, drawing or carving that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed ~~to any surface of public or private property on a component of any building, structure, or other facility~~ by any graffiti implement, ~~to the extent that the graffiti was not authorized in writing in advance by the owner or occupant of the property~~ visible from any public property, the public right-of-way, or ~~from any private property other than the property on which it exists.~~ There shall be a rebuttable presumption that such inscription, word, figure, painting, or other defacement is unauthorized. This article does not apply to easily removable chalk markings on the public sidewalks and streets.

Graffiti implements mean materials used or intended to be used to facilitate the placement of graffiti, including but not limited to, aerosol paint containers, broad-tipped markers, gum labels, paint sticks, graffiti sticks, engraving devices or creams, etching equipment, brushes, chemicals or any other implement capable of scarring or leaving a visible mark on any natural or manmade surface.

Manager means any person, not the record owner, who has possession and control of the property or who has the right to possession and control of the property. The term does not include a tenant or sub-tenant who merely occupies the property.

Owner means the record owner or owners as reflected by the most current records in the county assessor's office.

Paint stick or graffiti stick means a device containing a solid form of paint, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, that is not water soluble, and upon application, leaving a mark at least one-sixteenth of an inch in width.

Person means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Recipient means the owner or ~~occupant~~ manager to whom notice of violation has been directed.

Sec. 575-203. Prohibited activity.

(a) It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any city-owned property or on any non-city-owned property.

(b) The existence of graffiti on public or private property in violation of this article is an environmental public nuisance.

(c) It is the duty of both the owner of the property to which the graffiti has been applied and any ~~person who may be in possession or who has the right to possess such~~ manager of the property to at all times to keep the property free of graffiti.

(d) It shall be unlawful for a recipient to fail to remove or cover completely all graffiti within thirty (30) days after the date of the notice described in section 575-204 of the Code.

Sec. 575-204. Determination of violation; notice of violation.

(a) Any department of the city that receives a complaint regarding property within the city that is defaced by graffiti shall forward that complaint to the Department of Code Enforcement, which shall make a record of, and assign a case number to, such complaint. An authorized individual shall visually

inspect the property in question. If the authorized individual determines that the property has been defaced by graffiti, the Department shall issue a notice of violation to the owner if the Department intends to proceed under the provisions of Section 575-206 and, in the Department's sole discretion, to the ~~occupant~~ manager of the property.

(b) A notice of violation as described in subsection (1) shall be issued either by personal service or by first class United States mail, postage prepaid. The notice shall contain the following information:

- (1) The street address of the property;
- (2) The approximate location of the graffiti on such property;
- (3) A statement that the graffiti must be removed or covered completely within thirty (30) days after the date of the notice;
- (4) Information regarding graffiti abatement programs available through the city, if any; and
- (5) Information regarding the requirement for a Certificate of Appropriateness (COA) if the structure is protected by the Indianapolis Historic Preservation Commission or the Meridian Street Preservation Commission.

Sec. 575-205. Extensions for ~~occupied~~ managed or actively maintained properties.

If a notice of violation is issued under Section 575-204 to ~~an occupant~~ a manager or to an owner if the property is unoccupied but being actively maintained, the person ~~occupying~~ managing or actively maintaining that property or the property owner may submit to the Department a written request for an extension of the time provided in Section 575-203 ~~(4)~~ (d) if compliance within that time will cause undue hardship. The Department may establish the manner, method, and form in which such requests must be made. The Department may also establish a policy to establish the criteria by which requests for extension of time may be approved.

Sec. 575-206. - Penalty

(a) The first violation of subsection ~~(4)~~ (d) of Section 575-203 in a twelve month period shall be subject to a fine in the amount established by Section 103-52 of this code. Any second or subsequent violation in a twelve month period shall be subject to the general enforcement provisions established in Section 103-3 of the Code.

(b) For the purposes of subsection ~~(4)~~ (a) of this Section, a violation shall be considered a second or subsequent violation whether it occurs on the same property as the first violation or on another property owned or occupied by the recipient. If a recipient fails or refuses to abate a violation within thirty (30) days after the imposition of a fine as provided in subsection ~~(4)~~ (a) of this Section, such continued failure or refusal shall also be considered a second or subsequent violation and be subject to the general enforcement provisions established in Section 103-3 of the Code.

(c) A violation of subsection ~~(4)~~ (a) of Section 575-203 is subject to the general enforcement provisions established in Section 103-3 of the Code.

(d) If there is no program in place to assist the recipient with the abatement, subsection (a) through (c) of this section shall be suspended until such program is in operation and available to the recipient.

Councillor Miller seconded the motion and thanked Councillor Adamson for his efforts in this matter. He said that this verbiage came from the high weeds and grass ordinance, and he appreciates insuring that no penalties are assessed if there is no free abatement program in place.

Councillor Barth said that he appreciates that this amendment addresses penalties and this is a smart way to address the concerns people had without losing the teeth of the proposal.

Councillor Oliver said he supports the amendment but has questions for the Department of Code Enforcement (DCE). He said if this cannot be enforced, it is useless, and he has seen inspectors drive right by obvious violations without doing anything. Steve Wolfe, DCE, said that he is new on the job, but if Councillor Oliver has specific examples he would be happy to look into the issue.

Councillor Lutz said that he does not understand the “manager” language in this particular amendment. He moved, seconded by Councillor Cain to return Proposal No. 52, 2013 to committee.

Councillor Hunter said that he supports the motion to return the proposal to committee as he fundamentally sees a lot of wrong things with this proposal, and feels there are areas that still need to be clarified, including some technical corrections. He said that he is not sure they have paid enough attention to the Code and statutes to make sure they are not in conflict. President Lewis asked Councillor Hunter to get with Mr. Biesecker outside of the meeting to address some of his concerns.

Councillor Scales said that graffiti is a crime of vandalism and has a great effect on the neighborhoods. She said that there is not enough emphasis on the enforcement and penalties for perpetrators, and this is a recurring problem. Without strong penalties in place, they will keep abating and abating and never address the root problem. She said that she disseminated some information she had on programs other cities were doing that have radically reduced their graffiti problem. She said that they employ lots of enforcement, but no fines. She said that instead, they introduced other penalties like revoking licenses for teens, community service hours instead of jail time, and other punitive measures to keep perpetrators from re-offending. She said that she would like to see more emphasis on this instead of making the victim the one who has to pay for the crime.

Councillor Mahern said that he also supports returning the proposal to committee, because there is no abatement to it. He said that this places the threat of penalties on the crime victim but really has nothing in it to prevent the crime itself.

Councillor Sandlin said that he also supports returning the proposal to committee. He said that if this had been in effect over the weekend, he would be in violation of having graffiti implements according to the definition. He said that fixed income residents cannot afford any abatement on a crime committed on their property, and might have to choose between paying for medication or painting over graffiti. He said that he thinks this needs further thought.

Councillor Miller said that they want a free abatement program and do not want mandatory abatement with a large bill attached to it. He said that they are still getting information about abatement programs and working to insure that citizens are not paying for a crime against themselves.

Councillor Adamson agreed and said they are trying to avoid homeowners getting a high bill like with other nuisance abatement programs, and this is a way for people to participate in a program to abate this problem, physically and financially. He said this is a very well-rounded proposal and was drafted by a task force of the broadest make-up.

Councillor Barth said that he opposes the motion to return to committee, as this was very well-thought-out and a lot of hours were spent in drafting and re-drafting this proposal.

The motion to return Proposal No. 52, 2013 to committee carried on the following roll call vote; viz:

*15 YEAS: Cain, Evans, Freeman, Gooden, Gray, Holliday, Hunter, Lutz, Mahern, McHenry, Moriarty Adams, Robinson, Sandlin, Scales, Simpson
14 NAYS: Adamson, Barth, Brown, Hickman, Lewis, Mansfield, Mascari, McQuillen, Miller, Oliver, Osili, Pfisterer, Shreve, Talley*

PROPOSAL NO. 105, 2013. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 105, 2013 on May 20 and again on June 17 and July 15, after being returned to committee by the full Council on June 10, 2013. The proposal, sponsored by Councillors Miller, Barth and Adamson, amends the Code to create the Fountain Square Economic Improvement District for the development and improvement of the Fountain Square cultural district. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Miller said that going into this process, he had 63 to 78% of net assessed value (AV) property owners signed on. Later he received letters from folks wanting to reverse their vote, but they were still at 52% support. The Council did not feel comfortable with 52%, and so he would like to postpone the proposal so that merchants can have a meeting. He said that this has been a roller coaster road, and he appreciates all who have helped. He moved, seconded by Councillor Hickman, to postpone Proposal No. 105, 2013 until September 23, 2013.

Councillor Mansfield said that she is opposed to postponing the proposal. She has a constituent in her district who is a business owner in this area, and this proposal should probably not have been introduced until everything was settled. She said that a designation like this needs to be pushed by the business owners if they want it, but instead, when government pushes this effort, she is concerned they are forcing taxes on business owners who cannot sustain such losses. She said that rather than prolong the agony, she would instead support a vote to strike the proposal, and then if the owners want to proceed on their own, they can.

Councillor Mahenr said that this process has been like a soup that does not taste right from the beginning, and continuing to add things and cook it a little longer will not make it taste any better. He said that the base of this was born of deception with unfair tax calculations and the inability to build a true consensus in the community. He said that proponents of the idea favored themselves with big discounts. He said that they should throw it out and start over, and anything short of that will cause the problem to fester and destroy the Fountain Square community. He said that before approving these types of districts they need to decide how they are going to count parcels and what percentage of support is needed. He urged his colleagues to strike the proposal.

Councillor Robinson said that when this came to the Council a few months ago, it seemed to have a lot of support from the community, but in subsequent meetings that support has been missing. He said that he voted against the proposal in committee.

Councillor Cain said that she agrees with her colleagues and thinks the Council should vote against it this evening and be done with it.

Councillor Pfisterer said that she supports the motion to postpone in order to give the business owners the time they need to make their own decisions.

Councillor Hickman said that she is a small business owner and would hate for anyone to tell her that her payments would go up. Three to four hundred dollars a year could close down a small business. She said that she is vascillating between whether to postpone it, or junk it and start over.

Councillor Lutz said that this body serves as guardians of Marion County, and it seems they are shoving a decision down the throats of this community.

Councillor Mascari said that he has been a small business owner for over 30 years, and on his building the property taxes already went up 40%, so he opposes this action tonight.

Councillor Miller said that he does not want to sponsor something where citizens have gone out and printed t-shirts to oppose it, and he is surprised about this new opposition to the designation. He said that he did not push the initiative, but got involved in it because he was told there was substantial support. Then everything changed. He said that he will not support something that does not meet statute or is not supported by the community.

Councillor Gray moved, seconded by Councillor Brown, to call the question and end debate. Debate was ended on the following roll call vote; viz:

22 YEAS: Barth, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Mansfield, Mascari, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Shreve, Simpson, Talley
7 NAYS: Adamson, Brown, Cain, Lutz, Mahern, McHenry, Scales

Councillor Holliday asked to abstain due to a conflict of interest. Consent was given.

The motion to postpone Proposal No. 105, 2013 to September 23, 2013 failed on the following roll call vote; viz:

10 YEAS: Adamson, Barth, Brown, Gooden, Lewis, McQuillen, Miller, Moriarty Adams, Oliver, Pfisterer
18 NAYS: Cain, Evans, Freeman, Gray, Hickman, Hunter, Lutz, Mahern, Mansfield, Mascari, McHenry, Osili, Robinson, Sandlin, Scales, Shreve, Simpson, Talley
1 NOT VOTING: Holliday

Councillor Sandlin moved, seconded by Councillor Gray, to strike Proposal No. 105, 2013.

Councillor Hickman asked the difference between striking a proposal or voting on it. Mr. Biesecker said that striking it would eliminate it from the Council agenda.

Councillor Adamson said that whether or not Councillors support the premise of the economic improvement district (EID) or how it is implemented has blurred the real role of the Council here. He said that the statute spells out what they are supposed to do and sets the standards that must be met. They should not apply their own particular ideas of whether or not they agree with the EID. This tool was created for communities to use, and it is not for this body to say whether or not a community has access to it or not. He said that if they have a problem with this as citizens, they should petition the state legislature to change that threshold to 50% plus one being a majority of support.

Councillor Mahern said that this body is not Pontius Pilate, and they should not wash their hands of these kinds of decisions. He said that even arguing that the minimum standards are met, they

can still interpret what they feel is best for their communities, and fairness deserves to be addressed.

Councillor Scales said that standards of fairness need to be followed, and there have been too many questions about the integrity of this process. She believes the community needs time to mend fences and start over if they so wish.

Proposal No. 105, 2013 was stricken on the following roll call vote; viz:

22 YEAS: Brown, Cain, Evans, Freeman, Gray, Holliday, Hunter, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Moriarty Adams, Oliver, Osili, Robinson, Sandlin, Scales, Shreve, Simpson, Talley

7 NAYS: Adamson, Barth, Gooden, Hickman, Lewis, Miller, Pfisterer

Councillors Miller and Hickman asked for consent to explain their votes. Consent was given. Councillor Miller said that he did hear the merchants loud and clear and in going forward, wants them to know their wishes are important. Councillor Hickman said that she wanted to vote the proposal down instead of striking it.

PROPOSAL NO. 167, 2013. Councillor Gray reported that the Municipal Corporations Committee heard Proposal No. 167, 2013 on June 26 and July 24, 2013. The proposal, sponsored by Councillor Osili, removes use restrictions on the 1965 transfer of real property by the City of Indianapolis to Health and Hospital Corporation of Marion County. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Freeman said that he questioned whether the city was unnecessarily giving up land and missing out on the opportunity to use it in the future. His only goal of delaying the proposal was to get with counsel to ensure that the city no longer had any interest in the property. Therefore, he now supports the proposal. Councillor Mahern added that he had the same concerns, and his concerns were also allayed, and he now supports the proposal, as well.

Councillor Gray moved, seconded by Councillor Gooden, for adoption. Proposal No. 167, 2013 was adopted on the following roll call vote; viz:

28 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gooden, Gray, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Talley

0 NAYS:

1 NOT VOTING: Hickman

Councillor Scales said that Councillor Barth's wife serves as a corporate attorney for Health and Hospital Corporation, and she asked if this is a conflict of interest for Councillor Barth to vote on this issue. Councillor Barth said that he conferred with Mr. Biesecker, who indicated it was not a conflict of interest. Councillor Scales asked how it cannot be a conflict when his spouse is involved. Mr. Biesecker said that this action does not provide any direct pecuniary interest of \$1,000 or more to Councillor Barth or his wife.

Proposal No. 167, 2012 was retitled SPECIAL ORDINANCE NO. 2, 2012, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 2, 2013

A SPECIAL ORDINANCE amending the City of Indianapolis Common Council Special Ordinance No. 5, 1965, 65-27732.

July 29, 2013

WHEREAS, the City of Indianapolis conveyed to Health and Hospital Corporation of Marion County ("HHC") certain real property by deed on June 7, 1965, as codified in City of Indianapolis Common Council Special Ordinance No. 5, 1965, the legal description of which is set forth in said deed and Special Ordinance ("the Property"); and

WHEREAS, the conveyance was conditioned upon HHC's use of the property for hospital facility purposes and, if the Property ceases to be used by HHC, its successors or subsequent grantees for such purposes, title shall automatically revert to and be vested in the City of Indianapolis; and

WHEREAS, HHC has used the Property for hospital facility purposes since 1965; and

WHEREAS, HHC and The Trustees of Indiana University ("IU") have entered into a Real Estate Exchange Agreement dated November 4, 2009 ("the Agreement"), pursuant to which HHC will transfer the Property to IU upon HHC's completion and transfer of full operations to the new Eskenazi Health hospital, which is being constructed upon real property transferred to HHC by IU pursuant to the Agreement; and

WHEREAS, the financing for construction of the new Eskenazi Health was approved by the voters of Marion County in a referendum by an overwhelming majority on November 3, 2009; and

WHEREAS, the new Eskenazi Health will fulfill the hospital facility purposes upon which the 1965 conveyance of the Property to HHC was conditioned; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. City of Indianapolis Common Council Special Ordinance No. 5, 1965, 65-27732, is hereby amended by DELETING the text set forth below as follows:

"Section 3: The above notwithstanding, in the event that the said described real estate shall cease to be used for hospital facilities by the Health and Hospital Corporation of Marion County, Indiana, then, and in that event, without further action or proceedings by the City of Indianapolis, title to said real estate shall automatically revert to and be vested in the City of Indianapolis, an Indiana Municipal Corporation."

SECTION 2. City of Indianapolis Common Council Special Ordinance No. 5, 1965, 65-27732, is hereby further amended by DELETING from Exhibit "A" thereto the text set forth below as follows:

"In the event the said real estate shall cease to be used for hospital facility purposes by the Grantee, its successors or subsequent grantees, title to same shall automatically revert to and be vested in the Grantor herein, or its successors, without further action or proceedings on the part of the Grantor being required to obtain title to same."

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 183, 2013. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 183, 2013 on July 15, 2013. The proposal, sponsored by Councillors Simpson and Osili, approves the final bond ordinance authorizing the issuance of up to \$33,500,000 in Indiana Economic Development Tax Increment Revenue Bonds to assist in the financing of the Massachusetts Avenue Fire Station Redevelopment Project (Districts 9 and 15). By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Simpson stated that he serves as a board member of the Red Cross, and therefore wishes to abstain from voting on this matter. Consent was given.

Councillor Mahern said that the fire station supposedly sold for five million dollars and then cost another 10 million to relocate, with five million to the developer, and now it seems they are \$15 million in the negative. He said that maybe some jobs were created, and maybe not. He said that three recruit classes are promised, but there is no guarantee. He said that proposals providing money for the Pacers, Eli Lilly, Exact Target, and Market Square developments, while the city

still has no recruit classes or basic infrastructure is absurd. The citizens are being asked to raise taxes on themselves through elimination of a homestead credit because the City cannot continue to provide services, but yet they continue to give away money to professional sports teams and thriving companies and businesses. He said that he cannot continue to support trading a quarter for a nickel on contingency.

Councillor Scales said that there are still a lot of questions about the numbers involved, and she is concerned they have not really been vetted. Deron Kintner, Deputy Mayor for Economic Development stated that it is an \$8 million purchase, and a \$7 million construction. The renovation of the existing Red Cross building in order to house the Indianapolis Fire Department (IFD) will be \$2 million, with another \$2.3 million in relocation assistance. Councillor Scales asked about the credit union piece. Mr. Kintner said that the cost is \$3.5 million to relocate the credit union. Councillor Scales asked if they will pay rent. Mr. Kintner said that they own the building and pay property taxes, but they are still finalizing those negotiations. Councillor Scales said that \$7 million seems extreme for construction of the fire station when they are using an old building. Mr. Kintner said that this is the same company that constructed Fire Station Number 5, and it was approximately \$7 million. This is IFD's flagship station and there are many requirements for a high-rise district that do not exist in any other station in the County. Councillor Scales asked if they looked at other locations. Mr. Kintner said that they did, and those were more expensive. He added that IFD drove this process, and this was the best option available.

Councillor Mahern said that Councillor Simpson is asking to be excused from the vote, yet during the process, he was heavily involved, and was a sponsor on the proposal. He asked what the difference is in avoiding a conflict if a Councillor shepherds a proposal all through the process and then simply abstains from voting. Fred Biesecker, General Counsel, stated that the Code does not preclude a Councillor from participating in the debate if the conflict is disclosed. Councillor Mahern said that this seems to be a gaping hole in the Code regarding ethics, when a Councillor can discuss things behind the scene, and then pretend to wash their hands of it by abstaining as though they were not a part of the process.

Councillor Robinson moved, seconded by Councillor Osili, for adoption. Proposal No. 183, 2013 was adopted on the following roll call vote; viz:

22 YEAS: Barth, Cain, Evans, Freeman, Gooden, Hickman, Holliday, Hunter, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Shreve, Talley
5 NAYS: Adamson, Gray, Mahern, Mansfield, Scales
2 NOT VOTING: Brown, Simpson

Proposal No. 183, 2012 was retitled SPECIAL ORDINANCE NO. 3, 2012, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 2013

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue one or more series of its City of Indianapolis, Indiana Economic Development Tax Increment Revenue Bonds, Series 2013 (with such further series or other designation as determined to be necessary, desirable or appropriate), in a maximum aggregate principal amount not to exceed Thirty-Three Million Five Hundred Thousand Dollars (\$33,500,000) (the "Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code 36-7-11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Indianapolis, Indiana (the “City”) is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, J.C. Hart Company, Inc., (ii) Paul Kite Company, (iii) 500 Mass LLC, (iv) Shiel Sexton Company, Inc., (v) RC7HQ LLC and/or (vi) one or more subsidiaries, affiliates or joint ventures thereof (collectively, the “Companies”) desire to finance certain projects, additions or improvements within the City, including all or any portion of: (a) the acquisition (by purchase, lease or other method) of the property upon which the existing Indianapolis Fire Department (the “IFD”) Headquarters, the existing Indianapolis Fire Station Number 7 (the “Fire Station 7”) and the existing Firefighters Credit Union (the “Credit Union”) are all located in a portion of the downtown area of the City along Massachusetts Avenue and the construction, renovation, improvement and equipping thereon of a new mixed-use development project, consisting of one or more buildings which will provide approximately 235 apartments and ground-floor retail and will include substantial infrastructure improvements, including, but not limited to, one or more parking garage facilities, street relocation and reconstruction, and utility relocation and expansion, all to accommodate and support such facilities and other facilities related thereto (clause (a), collectively, the “Mass Avenue Development Project”); (b) the acquisition (by purchase, lease or other method) of the real property upon which the existing headquarters of the American Red Cross of Greater Indianapolis (the “Red Cross”) is located in a portion of the downtown area of the City near the intersection of 10th Street, Ft. Wayne Avenue and East Street and the relocation, construction, renovation, improvement and equipping thereon of facilities for all or a portion of (i) the new IFD Headquarters, (ii) the new Fire Station 7, and/or (iii) the new Credit Union, as well as substantial infrastructure improvements, including but not limited to any necessary street relocation and reconstruction and/or utility relocation and expansion, to accommodate and support such facilities and other facilities related thereto, all of which will replace the existing IFD Headquarters, the existing Fire Station 7 and the existing Credit Union which will be displaced by the Mass Avenue Development Project (clause (b), collectively, the “Public Infrastructure Relocation Project”); (c) the acquisition (by purchase, lease or other method) of certain real property along Meridian Street and the relocation, construction, renovation, improvement and equipping thereon of a new headquarters for the Red Cross to replace the existing Red Cross headquarters which will be displaced by the Mass Avenue Development Project and the Public Infrastructure Relocation Project (clause (c), collectively, the “Red Cross Relocation Project”); and (d) all acquisition, construction, demolition, renovation, improvement and equipping projects related to the projects described in clauses (a) through and including (c), together with any costs related thereto (clauses (a) through and including (d), collectively, the “Projects”); and

WHEREAS, (i) the Mass Avenue Development Project will be located in an area of the City upon which the existing IFD Headquarters, the existing Fire Station 7 and the existing Credit Union are all currently located, that is generally described as north of Massachusetts Avenue, east of North New Jersey Street and south of East North Street, (ii) the Public Infrastructure Relocation Project will be located in an area of the City upon which the existing Red Cross headquarters is currently located, that is generally described as south of the intersection of 10th Street, Ft. Wayne Avenue and East Street, (iii) the Red Cross Relocation Project will be located at or near 1440 North Meridian Street and/or 1510 North Meridian Street, Indianapolis, Indiana 46202, (iv) all of the Projects will be located in City-County Council Districts 9 and 15, and (v) each of the Projects are, or will be, located in or physically connected to the Consolidated Redevelopment Allocation Area (the “Allocation Area”) previously created by the Metropolitan Development Commission of Marion County, Indiana (the “Metropolitan Development Commission”), acting as the Redevelopment Commission of the City; and

WHEREAS, the Companies have advised the Indianapolis Economic Development Commission (the “Economic Development Commission”) and the City concerning the Projects, and have requested that the City issue one or more series of its taxable or tax-exempt Economic Development Tax Increment Revenue Bonds, Series 2013 (with such further series or other designation as determined to be necessary, desirable or appropriate), in an aggregate principal amount not to exceed Thirty-Three Million Five Hundred Thousand Dollars (\$33,500,000) (the “Bonds”) under the Act and make the proceeds of such Bonds available to one or more of the Companies for the purpose of financing all or a portion of the Projects; and

WHEREAS, the Economic Development Commission has rendered a report concerning the proposed financing or refinancing of economic development facilities for the Companies and the Metropolitan Development Commission has been given the opportunity to comment thereon; and

WHEREAS, following a public hearing held on June 12, 2013, pursuant to Section 24 of the Act, the Economic Development Commission found that the financing of the Projects complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City; and

WHEREAS, the Economic Development Commission has determined that the financing will not have an adverse competitive effect or impact on any similar facility of facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance all or a portion of the Projects by issuing the Bonds; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, the City intends to issue the Bonds consistent with the terms of this Ordinance and pursuant to a Trust Indenture, to be dated the first day of the month in which the Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the "Indenture"), by and between the City and a corporate trustee to be selected by the City (the "Trustee"), in order to obtain funds necessary to provide for the financing of all or a portion of the Projects in accordance with the terms of one or more Financing Agreements, each to be dated the first day of the month in which the Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (collectively, the "Financing Agreements"), by and between the City and one or more of the Companies with respect to Bonds and the Projects; and

WHEREAS, pursuant to the Financing Agreements, one or more of the Companies will make certain representations, warranties and commitments with respect to the Projects which will permit the City to derive incremental property tax revenues from the Companies' site of operations within the Allocation Area which, together with additional incremental property tax revenues derived from the Allocation Area, if necessary, will be sufficient to pay principal of and interest on the Bonds as the same becomes due and payable, and to pay administrative expenses in connection with the Bonds, as further described herein; and

WHEREAS, no member of the City-County Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the City-County Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-16; and

WHEREAS, there has been submitted to the Economic Development Commission for its approval the forms of the Bonds, the Indenture and the Financing Agreements (collectively, the "Financing Documents"), and a form of this proposed Ordinance, which were incorporated by reference in the Economic Development Commission's Resolution adopted on June 12, 2013, which Resolution has been transmitted hereto; and

WHEREAS, the City expects to pay for certain costs of the Bonds or costs related to the Projects (collectively, the "Expenditures") prior to the issuance of the Bonds, and to reimburse the Expenditures with proceeds received by the City upon the issuance of the Bonds; and

WHEREAS, the City-County Council desires to declare its intent to reimburse the Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c); and

WHEREAS, based upon the resolution adopted by the Economic Development Commission pertaining to the Projects, the City-County Council hereby finds and determines that the funding approved by the Economic Development Commission for all or a portion of the Projects will be of benefit to the health and general welfare of the citizens of the City, complies with the provisions of the Act and the amount necessary to finance all or a portion of the costs of the Projects will require the issuance, sale and delivery of one or more series of economic development tax increment revenue bonds in an aggregate combined principal amount not to exceed Thirty-Three Million Five Hundred Thousand Dollars (\$33,500,000); now, therefore:

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. It is hereby found, determined, ratified and confirmed that the financing of the economic development facilities referred to in the Financing Documents consisting of the Projects, the issuance and sale of the Bonds, and the use of the net proceeds thereof by one or more of the Companies to finance all or a portion of the Projects will: (i) result in the diversification of industry, the creation or retention of business opportunities and the creation or retention of opportunities for gainful employment within the jurisdiction of the City; (ii) serve a public purpose, and will be of benefit to the health and general welfare of the City; (iii) comply with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, and the creation or retention of

opportunities for gainful employment within the jurisdiction of the City; and (iv) not have a material adverse competitive effect on any similar facilities already constructed or operating in or near Marion County, Indiana.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the City-County Council or City Controller. In compliance with Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the City-County Council for public inspection.

SECTION 3. The City is authorized to issue its Bonds in one or more series, any series of which may be taxable or tax-exempt for federal income tax purposes, in the maximum aggregate principal amount not to exceed Thirty-Three Million Five Hundred Thousand Dollars (\$33,500,000), with a maximum term not to exceed twenty-five (25) years and with a maximum interest rate not to exceed five and one-half percent (5.5%) per annum, for the purpose of procuring funds to finance all or a portion of the Projects, which Bonds shall be payable as to principal and interest solely from incremental property taxes derived from the Allocation Area, upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. Pending the issuance of the Bonds, the City may issue, if necessary, one or more series of bond anticipation notes (the "BANs"), with a maximum aggregate principal amount not to exceed Thirty-Three Million Five Hundred Thousand Dollars (\$33,500,000), with a maximum term of any series of BANs not to exceed two (2) years after the date of delivery thereof, subject to renewal up to the five (5) years from the date of delivery of the initial BANs, and with a maximum interest rate not to exceed five and one-half percent (5.5%) per annum, all for the purpose of procuring interim financing to pay all or a portion of the Projects, which BANs shall be payable as to principal and interest solely from the proceeds of the Bonds or from incremental property taxes derived from the Allocation Area, upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. Neither the Bonds nor the BANs shall ever constitute a general obligation of, an indebtedness of, or charge against the general credit of the City.

SECTION 4. The Mayor and City Controller are authorized and directed to sell such Bonds to the purchaser or purchasers thereof at a price not less than 98.5% of the aggregate principal amount thereof plus accrued interest, if any, at a rate of interest not to exceed five and one-half percent (5.5%) per annum, and with a final maturity no later than twenty-five (25) years from the date of the issuance of any series of Bonds. One or more bond purchase agreements and/or one or more qualified entity purchase agreements, each in form and substance acceptable to the Mayor and the Controller (collectively, the "Purchase Agreements"), be, and hereby are, approved, and the Mayor and the Controller are hereby authorized and directed to execute and deliver the Purchase Agreements in form and substance acceptable to them and consistent with the terms and conditions set forth in this Ordinance. If necessary or desirable in connection with the sale of the Bonds, the Mayor, the Controller and any other officer of the City are authorized to enter into one or more continuing disclosure undertaking agreements, in compliance with Rule 15c2-12 of the Securities and Exchange Commission, which will be in such a form as may be deemed necessary, appropriate or desirable by the Mayor, the Controller and any other officer of the City, with such to be conclusively evidenced by their execution thereof.

SECTION 5. The Mayor, the Controller and any other officer of the City are authorized and directed to execute the Financing Documents, such other documents approved or authorized herein and any other document which may be necessary, appropriate or desirable to consummate the transaction contemplated by the Financing Documents and this Ordinance, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, the Controller and any other officer of the City on the Bonds which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, the Controller and any other officer of the City on the Bonds may be facsimile signatures. The Mayor, the Controller and any other officer of the City are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor, the Controller and any other officer of the City may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Mayor, the Controller or any other officer of the City without further approval of this City-County Council or the Economic Development Commission if such changes do not affect terms set forth in Sections 27(a)(1) through and including (a)(10) of the Act.

SECTION 6. The provisions of this Ordinance and the Financing Documents shall constitute a contract binding between the City and the holder or holders of the Bonds and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Subject to the provisions of Sections 5 and 13 of this Ordinance, if necessary or desirable, a Preliminary Official Statement of the City relating to the Bonds (the "Preliminary Official Statement"), in a form acceptable to the Mayor, is hereby (a) authorized and approved, together with such changes in form and substance as

may be deemed necessary or appropriate by the Mayor pursuant to Sections 5 and 13 of this Ordinance, (b) authorized and approved, as the same may be appropriately confirmed, modified and amended pursuant hereto, for distribution as the Preliminary Official Statement of the City, (c) authorized to be deemed and determined by the Mayor on behalf of the City, as of its date, to constitute the "final" official statement of the City with respect to the Bonds to be offered thereby, subject to completion as permitted by and otherwise pursuant to the provisions of Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule"), and (d) authorized and approved, consistent with the provisions of any Purchase Agreement and the SEC Rule, to be placed into final form and distributed and delivered to purchasers and potential purchasers of the Bonds offered thereby as the final official statement of the City, as of the date thereof, with respect to the Bonds (the "Official Statement").

SECTION 8. Subject to the obligations of one or more of the Companies set forth in the Financing Agreements and/or the certificates or agreements of such Companies to be executed upon the issuance of the Bonds, the City will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute "arbitrage bonds" under Section 148 of the Code and the regulations promulgated thereunder, or to preserve any other desired tax status under the Code, if necessary. The Mayor, the Controller and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the City, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the Bond proceeds as of the date of issuance thereof.

SECTION 9. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this ordinance, the Financing Documents or under any judgment obtained against the City, including without limitation its Economic Development Commission, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Financing Agreements, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the City, including without limitation its Economic Development Commission, either directly or through the City, or otherwise, for the payment for or to the City or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the City upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the City or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any at them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Financing Agreements and the issuance, sale and delivery of the Bonds.

SECTION 10. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 11. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 12. It is hereby determined that all formal actions of the City-County Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the City-County Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

SECTION 13. The Mayor, the Controller, the Clerk and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute, attest and deliver such further instruments and documents, and to take such further actions, in the name of the City as in their judgment shall be necessary or advisable in order fully to consummate the transactions described herein and carry out the purposes of this Ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved. The Mayor or his designee is hereby authorized to enter into one or more project agreements with one or more of the Companies, on terms and conditions acceptable to the Mayor, together with any all changes as may be necessary, desirable or appropriate, which shall be evidenced by his execution thereof.

SECTION 14. The City-County Council does hereby acknowledge that the Bonds may be purchased with the proceeds of bonds to be issued by The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank Bonds"), and that the Bond Bank Bonds may be supported by one or more debt service reserve funds that will be subject to the provisions of IC 5-1.4-5-4 and Special Ordinance 67,85 of this City-County Council.

SECTION 15. The City-County Council hereby declares its official intent, to the extent permitted by law, to issue the Bonds in one or more series or issues, not to exceed the maximum aggregate principal amount authorized herein, and to reimburse costs of the Projects consisting of the Expenditures from proceeds of the sale of such Bonds.

SECTION 16. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 186, 2013. Councillor Mansfield reported that the Administration and Finance Committee heard Proposal No. 186, 2013 on July 16, 2013. The proposal, sponsored by Councillors Moriarty Adams and Pfisterer, authorizes the Board of Commissioners of Marion County to dispose of certain parcels that have an appraised value of \$50,000 or more. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hunter said that he still has some questions regarding the provisions in the State statute for historic preservation areas, but since there was no objection by their office, it may not be a concern this evening, so he will support the proposal.

Councillor Mansfield moved, seconded by Councillor Moriarty Adams for adoption. Proposal No. 186, 2013 was adopted on the following roll call vote; viz:

27 YEAS: Adamson, Barth, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Scales, Shreve, Simpson, Talley
0 NAYS:
2 NOT VOTING: Brown, Sandlin

Proposal No. 186, 2013 was retitled GENERAL RESOLUTION NO. 17, 2013, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 17, 2013

A PROPOSAL FOR A GENERAL RESOLUTION for the City-County Council to give approval to the Board of Commissioners of Marion County (hereinafter "Board") to dispose of certain parcels that have an appraised value of Fifty Thousand Dollars (\$50,000.00) or more.

WHEREAS, Marion County, pursuant to IC 6-1.1-25-4, is eligible to take title to certain parcels of surplus real property, by virtue of such parcels being unsuccessfully offered for sale to collect delinquent property taxes and special assessments; and

WHEREAS, Executive Order No. 3, 1995 by the Mayor of the Consolidated City-County, designates the Board to act as the disposing agent of surplus real property titled to Marion County; and

WHEREAS, IC 36-1-11-3 provides that the fiscal body of a unit must approve every sale of real property having an appraised value of Fifty Thousand Dollars (\$50,000.00) or more; and

WHEREAS, the Board would like to dispose of certain parcels of real property that have an appraised value of Fifty Thousand Dollars (\$50,000.00) or more; and

WHEREAS, the aforementioned parcels of real property are described in "Exhibit A," which is attached hereto; and

WHEREAS, the City-County Council, having considered the disposal of the parcels and being duly advised, desires to have the Board dispose of the parcels of real property described in Exhibit A according to the procedures established by IC 6-1.1-25-9; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to the authority granted under IC 36-1-11-3 and Executive Order No. 3, 1995, hereby gives its approval to the Board of Commissioners of Marion County to dispose of the parcels of real property described in Exhibit A (a copy of which is attached to the official copy of this resolution on file with the Clerk of the Council).

SECTION 2. Any disposal of property by the Board shall comply with IC 6-1.1-25-9.

SECTION 3. For purposes of Sec. 151-66 of the "Revised Code of the Consolidated City and County," the parcels listed in Exhibit A are eligible for Marion County to take title to them.

SECTION 4. This resolution shall be in full force and effect from and after its passage by the City-County Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 187, 2013. Councillor Mansfield reported that the Administration and Finance Committee heard Proposal No. 187, 2013 on July 16, 2013. The proposal, sponsored by Councillor Pfisterer, proposes an ordinance of the Marion County Income Tax Council, under IC 6-3.5-6-1.5 and IC 6-3.5-6-13, to decrease the local homestead credit by 50% for calendar year 2014 and to rescind the local homestead credit beginning in calendar year 2015, and casts the vote of the Council on such ordinance. By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Pfisterer moved, seconded by Councillor Sandlin, for adoption.

Councillor Talley made the following motion:

Madam Chair:

I move to amend Exhibit A of Proposal No. 187, 2013, as previously amended in Committee, by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

AN ORDINANCE OF THE MARION COUNTY INCOME TAX COUNCIL
TO DECREASE AND RESCIND THE LOCAL HOMESTEAD CREDIT

WHEREAS, the Indiana General Assembly established the county option income tax pursuant to IC 6-3.5-6, *et seq.*; and

WHEREAS, IC 6-3.5-6-2 establishes the Marion County Income Tax Council; and

WHEREAS, the members of the Marion County Income Tax Council are the City-County Council of the Consolidated City of Indianapolis and Marion County, the City Council of the City of Beech Grove, the City Council of the City of Lawrence, the City Council of the City of Southport, and the Town Council of the Town of Speedway; and,

WHEREAS, pursuant to IC 6-3.5-6-13, the Marion County Income Tax Council adopted a local homestead credit for taxpayers in Marion County, ~~which credit is now eight percent (8%); and~~

WHEREAS, the City-County Council wishes to propose an ordinance of the Marion County Income Tax Council to change the local homestead credit adopted on October 1, 2009, by decreasing it ~~to four~~ by fifty percent (4% ~~50%~~) for calendar year 2014, and rescinding it beginning in calendar year 2015; now, therefore:

BE IT ORDAINED BY THE
MARION COUNTY INCOME TAX COUNCIL:

SECTION 1. Pursuant to IC 6-3.5-6-1.5 and IC 6-3.5-6-13, the Marion County Income Tax Council hereby ~~decreases the local homestead credit to four percent (4%) from a gross rate of eight percent (8%) and an effective rate of 2.5974%, which generates a total of \$12,522,696.32, to a gross rate of four percent (4%) and an effective rate of 1.7987%, which generates a total of \$6,266,348.16 for property taxes first due and payable in calendar year 2014, and rescinds the local homestead credit~~ adopts a local homestead credit rate to be applied for property taxes first due and

payable in calendar year 2014 of fifty percent (50%) of the rate applied for property taxes first due and payable in calendar year 2013. The 2013 rate was 3.5974%; therefore, the calendar year 2014 local homestead credit rate to be used by the department of local government finance in certifying budget orders for units in Marion county shall be 1.7987%. ~~For property taxes first due and payable in calendar year 2015, the Council rescinds the local homestead credit.~~

SECTION 2. The Controller of the Consolidated City of Indianapolis and Marion County shall send a certified copy of this ordinance to the ~~Department of State Revenue and the Department of Local Government Finance by certified mail~~ commissioner of the department of state revenue, the director of the budget agency, and the commissioner of the department of local government finance in an electronic format approved by the director of the budget agency.

SECTION 3. This ordinance shall be in full force and effect on and after the ~~first day of November~~ thirty-first day of October, 2013.

Councillor Sandlin seconded the motion.

Councillor Miller said that some districts are more impacted than others by this action. He said that a sustainable way is needed to fund public safety and this would be a small price for constituents to pay for it. He said that he applauds the administration helping to alleviate some of the effect of this action by passing through more tax increment financing (TIF) dollars. This does not fill the entire gap, but most units said it would be a small price to pay to assure public safety. He requested that all promises be kept by the administration to help local government units absorb this revenue loss.

Councillor Hunter said that this action levels the playing field. He said that continuing to use income tax to pay for property tax relief is not the best plan. He said it is a hard decision, but the right one for a sustainable source of funding for public safety. It is incumbent on Councillors to fully explain what this proposal will do for citizens.

Councillor Pfisterer said that a lot of time and effort has gone into this proposal, and there have been many meetings, and it is appropriate that it not happen all at once in the first year. Hope Tribble, Council Chief Financial Officer (CFO), said that if this is passed, the Department of Local Government Finance (DLGF) will accept the phase out plan and use the appropriate percentages.

Councillor Gray said that this is an example of a former Councillor still meddling in Republican politics, and he cannot support it.

Councillor Lutz said that this was originally done by the Marion County Income Tax Council, and he does not know how this body can amend it. Mr. Biesecker said that this is an exhibit to a resolution by this Council to recommend that the Income Tax Council adopt it. This will still have to be voted on by them.

The proposal was amended on the following roll call vote; viz:

*17 YEAS: Adamson, Barth, Cain, Evans, Freeman, Gooden, Holliday, Hunter, Lewis, Lutz, McHenry, McQuillen, Miller, Osili, Pfisterer, Sandlin, Shreve
12 NAYS: Brown, Gray, Hickman, Mahern, Mansfield, Mascari, Moriarty Adams, Oliver, Robinson, Scales, Simpson, Talley*

Councillor Mahern said that they are referring to protecting the dollars of homeowners as a subsidy while continuing to give away hundreds of dollars to thriving businesses. He said that they have been sold a bill of goods about public safety taxes before, and so he questions if this is

sustainable. He said that they continue to give millions of dollars to sports teams, for high-rise luxury apartments, and lucrative businesses, but are asking taxpayers to pay more. This is a knife in the back of taxpayers.

Councillor Adamson said that this is disproportionate and is a recipe for fiscal meltdown. He said that he understands the arguments but cannot support it because of how much the municipal corporations and schools will lose in revenue in already trying economic times. He said that they cannot budget the City's budget on the backs of these organizations that need funding the most. Until the administration abandons spending money on cricket complexes and giveaways, the money is better kept safe in the pockets of taxpayers.

Councillor Mascari said that Mayor Bart Peterson raised the County Option Income Tax (COIT) .65%, and Mayor Greg Ballard said he was going to lower it, but only lowered it three cents. He said that they lost \$100 million in three years because of lowering that tax, and that issue did not even come up until the last meetings.

Councillor Lutz said that Councillor Mascari's facts are not entirely accurate. However, he did vote against this proposal in committee because of the feedback and response from the public and governmental units received. He said that it will not affect his district like many others, but he feels this will send more citizens out to surrounding counties. He said that he would like to see the General Assembly make changes about COIT and LOIT and how they are paid and who receives what, but they do not have control over that.

Councillor Brown said that when the COIT was raised, the Republicans said it was unnecessary and they gave back a small part of it, yet now they are flip-flopping on what is necessary. He moved, seconded by Councillor Talley, to call for the question. The question was called and debate ended on the following roll call vote; viz:

25 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gray, Hickman, Holliday, Hunter, Lewis, Mansfield, Mascari, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Talley
4 NAYS: Gooden, Lutz, Mahern, McHenry

Proposal No. 187, 2013 failed on the following roll call vote; viz:

11 YEAS: Cain, Evans, Gooden, Holliday, Hunter, McHenry, McQuillen, Miller, Pfisterer, Sandlin, Shreve
18 NAYS: Adamson, Barth, Brown, Freeman, Gray, Hickman, Lewis, Lutz, Mahern, Mansfield, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Scales, Simpson, Talley

Councillors Freeman, Barth, Scales and Hickman asked for consent to explain their votes. Consent was given. Councillor Freeman said that the City got themselves into this mess and need to figure a way to get out of it, but not on the backs of townships and schools. Councillor Barth said that there are winners and losers in just about every scenario, but they need to look under every rock before raising taxes. Councillor Scales said that she would do just about anything to get recruit classes, but this is a little late in the game to be complaining that there is no money for them, when the Mayor ran on those campaign promises. She said that leveraging this tax by saying it is going toward public safety without any assurance that it actually will is not comforting to her. Councillor Hickman said that this administration plays all kinds of shell games, moving money around, and so she does not know why they cannot move the money from the TIF funds into public safety.

PROPOSAL NO. 194, 2013. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 194, 2013 on July 15, 2013. The proposal, sponsored by Councillors Pfisterer and Simpson, creates the Brownfield Redevelopment subfund within the Redevelopment Fund for the purpose of supporting brownfield redevelopment initiatives. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Robinson moved, seconded by Councillor Talley, for adoption. Proposal No. 194, 2013 was adopted on the following roll call vote; viz:

27 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Talley
0 NAYS:
2 NOT VOTING: Mahern, Oliver

Proposal No. 194, 2013 was retitled GENERAL ORDINANCE NO. 27, 2013, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 27, 2013

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City County by establishing the Brownfield Redevelopment Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 135, Article VII of the "Revised Code of the Consolidated City and County" is hereby amended by adding a new Section 135-781, to read as follows:

Sec. 135-781. Brownfield Redevelopment Fund created.

- (a) There is hereby created a special fund, to be designated as the "Brownfield Redevelopment Fund". The fund shall be a subfund of the Redevelopment Fund.
- (b) The purpose of this fund is to comply with financial reporting requirements and provide revenue for expenses relating to brownfield cleanup and redevelopment carried out by the Brownfield Redevelopment Section of the Department of Metropolitan Development. Eligible expenses include but are not limited to salaries and administrative costs for Brownfield Redevelopment Section program staff.
- (c) The controller shall deposit in the Brownfield Redevelopment Fund any proceeds resulting from or related to the pursuit of brownfield remediation, including but not limited to legal settlements, insurance proceeds, revolving loan proceeds, and other revenue generated by the Brownfield Redevelopment Section.
- (d) Following the creation of this fund, the controller shall deposit a minimum of \$97,000 from the Indianapolis Supplemental Environmental Project account managed by the Indiana Finance Authority.
- (e) This fund shall be a continuing, non-reverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city or county general funds. No moneys derived from property taxes shall be deposited into this fund.
- (f) Moneys from this fund shall be appropriated and expended in accordance with the procedures for expenditures of public funds.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 203, 2013. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 203, 2013 on July 17, 2013. The proposal, sponsored by Councillors Moriarty Adams and Gooden, approves the Consolidated City and County's acquisition of certain real estate owned by Washington Township for use by the Marion

County Sheriff's Department. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 203, 2013 was adopted on the following roll call vote; viz:

28 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Lutz, Mahern, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Talley
0 NAYS:
1 NOT VOTING: Oliver

Proposal No. 203, 2013 was retitled GENERAL RESOLUTION NO. 18, 2013, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 18, 2013

A PROPOSAL FOR GENERAL RESOLUTION approving the City of Indianapolis and Marion County's acquisition of certain real estate owned by Washington Township, for use by the Marion County Sheriff's Department.

WHEREAS, Washington Township of Marion County ("Township") is a governmental entity and a political subdivision established under the laws of the State of Indiana ("State"); and

WHEREAS, the Consolidated City of Indianapolis and Marion County ("City") is a consolidated political subdivision established under the laws of the State; and

WHEREAS, the Township is the current owner of a parcel of real estate, a portion of which is currently used to provide fire protection by the Indianapolis Fire Department, a portion of which is currently used to provide law enforcement support for the Marion County Sheriff (collectively, the "Property") and a portion of which the Township intends to retain as the site of a cellular tower, for which the Township receives income; and

WHEREAS, The Township desires to transfer the Property to Marion County for use by the Marion County Sheriff's Office; and

WHEREAS, the Board of Public Works has been delegated authority to acquire real property within the City and County by the City-County Council pursuant to Sec. 261-405(6) of the Revised Code of Indianapolis and Marion County, Indiana; and

WHEREAS, the Township now desires to transfer the Property to the Board of Public Works (or its designee); and

WHEREAS, the Parcel is generally located at 1595 East 86th Street; and

WHEREAS, IC 36-1-11 ("Act") generally governs the disposal of real property by the Township; and

WHEREAS, the Township Board ("Board") is the disposing agent of the Township for purposes of the Act; and

WHEREAS, IC 36-1-11-8 specifies the procedures which must be followed when one governmental entity desires to transfer or exchange real property with another governmental entity; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The Consolidated City and County hereby agrees to the transfer of the Property to the City's Board of Public Works (or its designee).

SECTION 2. Upon adoption of this resolution and adoption by the Township of an essentially identical resolution, the Consolidated City and County is authorized to have the necessary documents accepted and recorded to evidence the transfer of the Property, based on advice of counsel, and the Board of Public Works is authorized to execute and record such documents on behalf of the Consolidated City and County to acquire the Property for the Board of Public Works (or its designee).

SECTION 3. This resolution shall be in full force and effect from and after the date of its passage.

Councillor Brown reported that the Public Works Committee heard Proposal Nos. 206-213 and 216, 2013 on July 18, 2013. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 206, 2013. The proposal, sponsored by Councillor McHenry, approves a reduction in speed limit within the Mallard Green subdivision (District 6). PROPOSAL NO. 207, 2013. The proposal, sponsored by Councillor Talley, approves a reduction in speed limit along Grosvenor Place from 65th Street to 71st Street (District 11). PROPOSAL NO. 208, 2013. The proposal, sponsored by Councillor Simpson, removes parking restrictions on the west side of a portion of Washington Boulevard near 32nd Street due to the relocation of an IndyGo bus stop (District 9). PROPOSAL NO. 209, 2013. The proposal, sponsored by Councillor Miller, authorizes weight limit restrictions on Senate Avenue between Morris and Wisconsin Streets (District 19). PROPOSAL NO. 210, 2013. The proposal, sponsored by Councillor Miller, authorizes intersection controls and speed limit reductions within the Drexel Gardens and AV Browns Lynhurst Subdivisions (District 19). PROPOSAL NO. 211, 2013. The proposal, sponsored by Councillors Simpson and Oliver, authorizes intersection controls at Temple Avenue and 28th Street (Districts 9, 10). PROPOSAL NO. 212, 2013. The proposal, sponsored by Councillor Sandlin, authorizes parking restrictions on Browning Drive and Colt Road (District 24). PROPOSAL NO. 213, 2013. The proposal, sponsored by Councillors McQuillen, Brown and Hickman, approves a request of the Department of Public Works to purchase certain real estate interests (rights-of-way) for construction of a public works project at the intersections of North German Church Road and East 46th Street and North German Church Road and East 42nd Street, which property is owned by Norman L. and Adrienne A. Fogle. PROPOSAL NO. 216, 2013. The proposal, sponsored by Councillors Simpson and Osili, authorizes parking restrictions on Michigan Street between Pine Street and College Avenue (Districts 9, 15). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Brown moved, seconded by Councillor Miller, for adoption. Proposal Nos. 206-213 and 216, 2013 were adopted on the following roll call vote; viz:

Proposal No. 206, 2013 was retitled GENERAL ORDINANCE NO. 28, 2013, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 28, 2013

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County and establishing speed limits in the Mallard Green Subdivision.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

All streets within the *Mallard Green* platted subdivision, which are
bounded within Sections 1, 2 and 3; 25 mph.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 207, 2013 was retitled GENERAL ORDINANCE NO. 29, 2013, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 29, 2013

A PROPOSAL FOR A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-323, Alteration of prima facie speed limits.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

Grosvenor Place, from Sixty-fifth Street to Seventy-first Street, 25 mph.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 208, 2013 was retitled GENERAL ORDINANCE NO. 30, 2013, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 30, 2013

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

Washington Boulevard, on the west side, from a point 80 feet south of
Thirty-second Street to a point 100 feet north of Thirty-second Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 209, 2013 was retitled GENERAL ORDINANCE NO. 31, 2013, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 31, 2013

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-364, Trucks on certain streets restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the deletion of the following, to wit:

11,000 Pounds Gross Weight

Senate Avenue, from Morris Street to Wilkins Street;

SECTION 2. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

11,000 Pounds Gross Weight

Senate Avenue, from Wisconsin Street to Wilkins Street;

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

July 29, 2013

Proposal No. 210, 2013 was retitled GENERAL ORDINANCE NO. 32, 2013, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 2013

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls and Sec. 441-323, Alteration of prima facie speed limits.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|---------------------------|---------------------|------------------------|
| 30 | Cole St Melrose Ave | Cole St | Stop |
| 30 | Beulah Ave Melrose Ave | Beulah Ave | Stop |
| 30 | Cole St Legrande Ave | Cole St | Stop |
| 30 | Cole St Raymond St | Raymond St | Stop |

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|---------------------------|---------------------|------------------------|
| 30 | Cole St Melrose Ave | Cole St | All-Way Stop |
| 30 | Beulah Ave Melrose Ave | Beulah Ave | All-Way Stop |
| 30 | Cole St Legrande Ave | Cole St | All-Way Stop |
| 30 | Cole St Raymond St | Raymond St | All-Way Stop |

SECTION 3. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-323, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

All streets within the *Drexel Gardens* platted subdivision, 25 mph;
All streets with the *A V Browns Lynhurst* platted subdivision, 25 mph.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 211, 2013 was retitled GENERAL ORDINANCE NO. 33, 2013, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 2013

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|-----------------------------------|---------------------|------------------------|
| 18 | Temple Ave 28 th St | Temple Ave | Stop |

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|-----------------------------------|---------------------|------------------------|
| 18 | Temple Ave 28 th St | None | All-Way Stop |

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 212, 2013 was retitled GENERAL ORDINANCE NO. 34, 2013, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 34, 2013

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Browning Drive, both sides, from a point 70 feet north of Colt Road to Colt Road;

Colt Road, both sides, from a point 100 feet east of Browning Drive to Browning Drive;

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 213, 2013 was retitled GENERAL RESOLUTION NO. 19, 2013, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 19, 2013

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of an interest in specified land.

WHEREAS, the City-County-Council of the City of Indianapolis and Marion County, Indiana ("City-County Council") is the fiscal body of the City of Indianapolis pursuant to IC 36-1-10.5-1, et seq.; and

WHEREAS, pursuant to IC 36-1-10.5-5 the City of Indianapolis may purchase real property having a total price of more than Twenty-five Thousand Dollars (\$25,000.00) only after the City-County Council passes a resolution to the effect that the City-County Council is interested in making a purchase of specified land; and

WHEREAS, the City of Indianapolis wishes to purchase three (3) rights-of-way and two (2) temporary rights-of-way in a parcel of real estate located in Marion County, which acquisition is more particularly described by Exhibit "A" and depicted by Exhibit "B", all of which are attached hereto and incorporated herein ("Real Estate"); and

WHEREAS, two (2) separate appraisals were acquired and the average of those two (2) appraisals is Twenty-eight Thousand One Hundred Seventy-five Dollars (\$28,175.00); and

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WHEREAS, the Real Estate is necessary for construction of a roundabout at the intersections of North German Church Road and East 46th Street and North German Church Road and East 42nd Street under Project Number ST-21-007; and

WHEREAS, when the roundabout plan for North German Church Road was developed in 2011, the 42nd Street project was considered critical and therefore it will be bid out no later than January 2014, and construction on it will be completed before the 46th Street project: and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby establishes that the City-County Council has an interest in acquiring the Real Estate described in Exhibit "A" and depicted in Exhibit "B" (copies of which are attached to the official copy of the resolution on file with the Clerk of the Council).

SECTION 2. For purposes of Revised Code Sec. 151-66, the Real Estate is owned by ½ Interest to Norman L. Fogle, Trustee of the Revocable Trust of Norman L. Fogle and ½ Interest to Adrienne A. Fogle, Trustee of the Revocable Trust of Adrienne A. Fogle, through a quitclaim deed recorded as Instrument Number 2002-0063781 in the Office of the Recorder of Marion County, Indiana.

SECTION 3. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

Proposal No. 216, 2013 was retitled GENERAL ORDINANCE NO. 35, 2013, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 35, 2013

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets and Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the deletion of the following, to wit:

Michigan Street, on both sides, from Pine Street to College Avenue;

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Michigan Street, on the south side, from Pine Street to Davidson Street;

SECTION 3. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the addition of the following, to wit:

**ON ANY DAY EXCEPT SATURDAY
AND SUNDAY**

From 6:00 a.m. to 9:00 a.m.

Michigan Street, on the south side, from College Avenue to Leon Street;

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 115, 2013. Councillor McQuillen said that the Rules and Public Policy Committee tabled this proposal by a vote of 5-3 on May 7, 2013 without allowing for a hearing on the matter. The proposal, sponsored by Councillor McQuillen, amends the Code to change the council rules on minority representation on council committees. Councillor McQuillen moved, seconded by Councillor Freeman, for adoption.

Councillor Barth moved, seconded by Councillor Adamson, to return the proposal to committee.

Councillor Mahern said that the Council rules indicate a proposal should be heard in committee within 45 days if it is properly introduced. He said that he hesitates to return this to committee, because there is no guarantee it will be heard. He said that he cannot count how many times colleagues voted down proposals he had offered in good faith without allowing a proper hearing. He said that none of the At-Large Councillors have ever served in the minority, so they do not know what it feels like to not be allowed to speak their opinions and have their issues heard. He said that the procedural rules are aimed to protect the rights of elected officials to voice their concerns, and not to quiet the voices of people they do not agree with.

Councillor Adamson said that it seems lately that the At-Large Councillors are in the minority.

Councillor Lutz said that sending it back to a committee that already refused to hear it will not do anything and they should just act on it and be done with it.

The motion to return Proposal No. 115, 2013 to committee failed on the following roll call vote; viz:

*14 YEAS: Adamson, Barth, Brown, Gray, Hickman, Lewis, Mansfield, Mascari, Moriarty
Adams, Oliver, Osili, Robinson, Simpson, Talley*

*15 NAYS: Cain, Evans, Freeman, Gooden, Holliday, Hunter, Lutz, Mahern, McHenry,
McQuillen, Miller, Pfisterer, Sandlin, Scales, Shreve*

Councillor McQuillen said that it is not his intent to disenfranchise anyone from serving on a committee, and he would urge support of this proposal to give people a voice and both parties fair respect on committees. He moved, seconded by Councillor Freeman, to call the question and end debate.

Councillor Brown said that it would be insance to give the minority party a majority on committees, but this proposal, as it is written, would do so.

Councillor Mahern said that he feels this merits some discussion and would be better served in committee, but would want assurance it will be heard. He moved to reconsider the vote on returning Proposal No. 115, 2013 to committee. Councillor Mansfield asked if Councillor Mahern can make that motion. Mr. Biesecker said that the motion is in order, as Councillor Mahern's vote was with the prevailing party.

Councillor Lewis said that she would commit to hearing the proposal in committee. Councillor Mahern said that he wants to go on record saying that if it is not heard in committee, they will be right back at this point at the next Council meeting.

Councillor Freeman said that since there was no second on Councillor Mahern's motion, the motion now on the floor is Councillor McQuillen's and to continue to go back and forth is against the rules. President Lewis stated that with everyone talking over each other, it is difficult to hear who made what motion.

Councillor Talley seconded Councillor Mahern's motion to reconsider the previous vote. The motion to reconsider failed on the following roll call vote; viz:

13 YEAS: Adamson, Barth, Gray, Hickman, Lewis, Mahern, Mansfield, Mascari, Miller, Osili, Robinson, Simpson, Talley

16 NAYS: Brown, Cain, Evans, Freeman, Gooden, Holliday, Hunter, Lutz, McHenry, McQuillen, Moriarty Adams, Oliver, Pfisterer, Sandlin, Scales, Shreve

President Lewis stated that the motion on the floor at this time is to call the question and end debate. Mr. Biesecker said that technically, only a member who has not previously participated in the debate can call the question.

Councillor Gooden moved, seconded by Councillor Holliday, to call the question and end debate. Debate was ended on the following roll call vote; viz:

24 YEAS: Adamson, Barth, Brown, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Lewis, Mansfield, McQuillen, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Talley

5 NAYS: Lutz, Mahern, Mascari, McHenry, Miller

Proposal No. 115, 2013 failed on the following roll call vote; viz:

13 YEAS: Cain, Evans, Freeman, Gooden, Holliday, Hunter, Lutz, McHenry, McQuillen, Pfisterer, Sandlin, Scales, Shreve

16 NAYS: Adamson, Barth, Brown, Gray, Hickman, Lewis, Mahern, Mansfield, Mascari, Miller, Moriarty Adams, Oliver, Osili, Robinson, Simpson, Talley

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor McQuillen stated that he had been asked to offer the following motion for adjournment by:

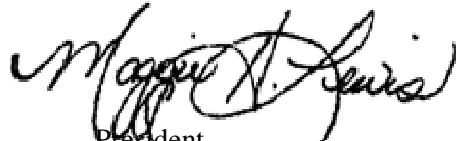
- (1) Councillor Cain in memory of Florence Jameson Miller and Benjamin Downing Day; and
- (2) Councillor McHenry in memory of Dr. Phillip M. Morton; and
- (3) Councillors Brown, Oliver and Gray in memory of Gayron Shackleford.

Councillor McQuillen moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Florence Jameson Miller, Benjamin Downing Day, Dr. Phillip M. Morton, and Gayron Shackleford. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:50 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 29th day of July, 2013.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.


President

ATTEST:


Clerk of the Council

(SEAL)